

IN THE MATTER OF
BALTIMORE COUNTY, MARYLAND, ET
AL, OWNERS; MANORCARE HEALTH
SERVICES, INC. -C.P. /DEVELOPER
E/S BELLONA AVENUE, N OF JOPPA
RD, 4,200' W OF THE C/L OF
CHARLES ST (8101 BELLONA AVE)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT
RE: DEVELOPMENT PLAN HEARING
and PETITIONS FOR SPECIAL
EXCEPTION AND VARIANCE

* BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. CBA-99-104
(IX-681)
AND
CASE NO. 99-159-XA
*

* * * * *

ORDER OF DISMISSAL

This case comes before this Board on appeal from a decision of the Hearing Officer /Deputy Zoning Commissioner dated January 6, 1999 in which the subject Development Plan was approved; the Petition for Special Exception granted; and the Petition for Variances granted in part and denied in part.

WHEREAS, the Board is in receipt of a Request for Dismissal with Prejudice dated May 5, 1999 and received May 12, 1999 filed by J. Carroll Holzer, Esquire, and HOLZER AND LEE, Counsel for Ernest Cooper and Iska Cooper, Appellants /Protestants (a copy of which is attached hereto and made a part hereof); and

WHEREAS, by said Request for Dismissal, it is requested that the appeal filed in this matter be dismissed with prejudice as of May 5, 1999,

IT IS HEREBY ORDERED this 14th day of May, 1999 by the County Board of Appeals of Baltimore County that said appeal be and the same is hereby DISMISSED with prejudice.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Charles L. Marks, Chairman


Margaret Worrall


Thomas P. Melvin



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

May 14, 1999

J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, MD 21286

RE: In the Matter of Manorcare Health Services, Inc.
-C.P. and Developer; Case No. CBA-99-104 (IX-681)
and Case No. 99-159-XA (Arden Courts)

Dear Mr. Holzer:

Enclosed please find a copy of the final Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Bianco".

Kathleen C. Bianco
Administrator

Enclosure

cc: Mr. & Mrs. Ernest Cooper
Benjamin Bronstein, Esquire
Manorcare Health Svcs, Inc.
Frederick J. Thompson /Gower Thompson, Inc.
William Gary Denhardt
Michael Sicher
Peggy Squitieri /Ruxton-Riderwood-Lake Roland Area Imp. Assn.
Office of People's Counsel
Pat Keller, Director /Planning
Lawrence E. Schmidt /Zoning Commissioner
Christine K. Rorke, Project Manager /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



IN RE: DEVELOPMENT PLAN HEARING and
PETITIONS FOR SPECIAL EXCEPTION
AND VARIANCE - E/S Bellona Avenue
N of Joppa Road, 4,200' W of the c/l of
Charles Street (8101 Bellona Avenue)
9th Election District
4th Councilmanic District

* IN THE
* COUNTY BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY

Baltimore County, Maryland, et al, Owners; * CASE NOS.: IX-681 & 99-159-XA
Manorcare Health Services, Inc., Contr. Pur./Developer

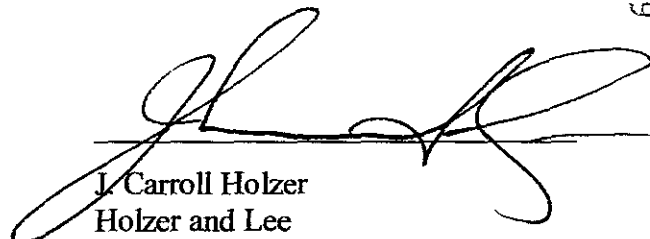
* * * * *

REQUEST FOR DISMISSAL WITH PREJUDICE

At the request of Ernest Cooper and Iska Cooper, his wife, please dismiss with prejudice
the above entitled case.

99 MAY 12 PM 3:29

COUNTY BOARD OF APPEALS

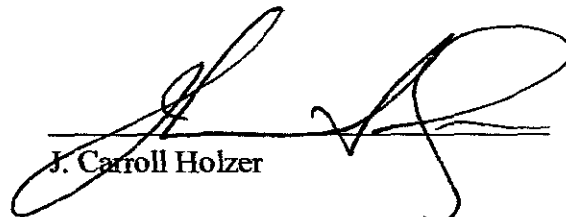


J. Carroll Holzer
Holzer and Lee
508 Fairmount Avenue
Towson, Maryland 21204
(410) 825-6961

Attorney for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of MAY, 1999, a copy of the foregoing
Request for Dismissal of Appeal with Prejudice was hand delivered to Benjamin Bronstein,
Esquire, George & Bronstein, LLP, 29 West Susquehanna Avenue, Suite 205, Towson,
Maryland 21204, attorney for Contract Purchaser/Developer.



J. Carroll Holzer

* BEFORE THE

* DEPUTY ZONING

* COMMISSIONER OF

* BALTIMORE COUNTY

* Case No. IX-681 & 99-159-XA

Mr. and Mrs. Ernest Cooper, Appellants in the above captioned case, by and through their attorney, J. Carroll Holzer and Holzer and Lee, hereby note an appeal to the County Board of Appeals from all aspects of the decision of the Deputy Zoning Commissioner of Baltimore County rendered on January 6, 1999, a copy of which is attached hereto, including the development plan approval, Special Exception approval and all variances and waiver approvals.

Filed concurrently with this Notice of Appeal is a check made payable to Baltimore County to cover the costs of the appeal and the posting of the property.

Respectfully submitted,

1. Carroll H. Keefe, Jr.

J. Carroll Holzer
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Appellants

RECEIVED
COUNTY BOARD OF HEALTH
99 FEB -8 AM 8:30

LAW OFFICE
HOLZER AND LEE
THE 508 BUILDING
508 FAIRMOUNT AVENUE
TOWSON, MARYLAND
21286

(410) 825-6961
FAX (410) 825-4923

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of January, 1999, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to Benjamin Bronstein, Esquire, George and Bronstein, 29 West Susquehanna Ave., Suite 205, Towson, MD 21204, and the County Board of Appeals, Basement Old Court House, 400 Washington Ave., Towson, MD 21204.

J. Carroll Holzer

J. Carroll Holzer

IN RE: DEVELOPMENT PLAN HEARING and * BEFORE THE
 PETITIONS FOR SPECIAL EXCEPTION *
 AND VARIANCE – E/S Bellona Avenue, * DEPUTY ZONING COMMISSIONER
 N of Joppa Road, 4,200' W of the c/l of *
 Charles Street (8101 Bellona Avenue) * OF BALTIMORE COUNTY
 9th Election District *
 4th Councilmanic District * Cases Nos. IX-681 & 99-159-XA

Baltimore County, Md, et al, Owners; *
 Manorcare Health Services, Inc., Contr. Pur./Developer
 * * * * *

HEARING OFFICER'S OPINION AND DEVELOPMENT PLAN ORDER

This matter comes before this Deputy Zoning Commissioner for consideration of a development plan prepared by Gower Thompson, Inc., for the proposed development of the subject property by Manorcare Health Services, Inc., the Contract Purchaser and Developer of the subject site, with a 60-bed Assisted Living Facility, to be known as Arden Courts. In addition to development plan approval, the Owners/Applicants request special exception relief to permit an Assisted Living Facility on the subject property and a waiver of Residential Transition Area (RTA) buffer and setback requirements to allow setbacks of as little as 0 feet each in lieu of the required 50 feet and 75 feet, respectively, and to increase the permitted density from 28 units to 60 units (or a D.R.4.2 equivalent), as shown on the development plan/site plan. In addition to the special exception, variance relief is requested from Section 1B01.2.C.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 30 feet in lieu of the minimum required 60 feet for the proposed Assisted Living Facility and from Section 504 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building length of 306' in lieu of the maximum permitted 300 feet; and from Section 432.B of the B.C.Z.R. to permit a lot size of 3.56 acres in lieu of the minimum required 10 acres. Variance relief is also requested from Sections 1B02.3.C.1, 301 and 303.1 to permit front yard setbacks of 8 feet and 0 feet for an

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 Date 11/6/99
 By [Signature]

existing dwelling and its attached open porch, which is located on an adjacent parcel also owned by the Developers, in lieu of the minimum required 60 feet each; and, from Section 450.4.6 of the B.C.Z.R. to permit a freestanding, illuminated, double-faced institutional sign of 60 sq.ft. per side (120 sq.ft. total) in lieu of the maximum permitted 25 sq.ft. (50 sq.ft. total), with a height of 12 feet in lieu of the maximum allowed 6 feet. The Petition for Variance was amended at the hearing to include a request to allow parking and deliveries to occur in the front of the subject property, in lieu of the side and rear as required by the regulations. The subject property and relief sought are more particularly described on the site plan/development plan submitted which was accepted and marked into evidence as Developer's Exhibit 1.

As to the history of this project, a concept plan of the proposed development was prepared and a conference held thereon on December 29, 1997. As required, a community input meeting was held at the County Office Building on February 17, 1998. Subsequently, a development plan was submitted and a conference held thereon on November 25, 1998.. Following the submission of that plan, development plan comments were submitted by the appropriate reviewing agencies of Baltimore County and a revised development plan incorporating these comments was submitted at the hearing held before me on December 22, 1998. In addition to development plan approval, the Owners/Applicants filed Petitions for Special Exception and Variance relief in October, 1998, and revised Petitions for Special Exception and Variance on December 1, 1998. Thus, the Owners/Applicants request combined relief as noted above, all of which was considered at the Hearing Officer's Hearing held on December 22, 1998..

Appearing at the hearing in support of the proposed development were Brian Harrigan, a representative of Manorcare Health Services, Inc., Fred Thompson with the firm of Gower

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By [Signature]

Thompson, Inc., the civil engineering firm which prepared the site plan/development plan for this project, and Benjamin Bronstein, Esquire, attorney for the Owners/Developers. Numerous representatives of the Baltimore County agencies who reviewed the proposal appeared, including Robert Bowling with Development Plans Review, Ron Goodwin with the Bureau of Land Acquisition, Christine Rorke with Development Management, and John Alexander, Zoning and Development Control, all divisions of the Department of Permits and Development Management (DPDM); Gayle Parker with the Department of Environmental Protection and Resource Management (DEPRM), and Lynn Lanham with the Office of Planning (OP). In addition, several citizens from the surrounding community appeared at the hearing, including Michael Sicher and Peggy Squitieri, representatives of the Ruxton-Riderwood-Lake Roland Area Improvement Association, and several other residents from the surrounding area. Mr. & Mrs. Ernest Cooper, adjacent property owners, appeared in opposition to the proposal.

Pursuant to Section 26-206 of the Baltimore County Code, which regulates the conduct at the Hearing Officer's Hearing, I am required to first identify any unresolved agency comments or issues. In this regard, testimony and evidence received from the Developer's witnesses was that all issues raised within the comments submitted by the various County reviewing agencies have been resolved and incorporated within the revised development plan. However, the County representatives present raised some minor issues that basically involved additional language being added to the development plan to which the Developer agreed to provide. Thus, all issues raised by the County reviewing agencies have been resolved.

As to the citizens who attended the hearing, Mr. & Mrs. Cooper, who reside adjacent to the subject site, raised several issues which needed to be addressed. The Coopers are opposed to the overall size and scope of the project, and object to the requested variances to allow the

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By [Signature]

proposed building to exceed the maximum 300-foot length allowed and to permit same to be located on a site much smaller than the minimum 10 acres required. The Coopers believe that Manorcare is attempting to develop the subject site with a facility that is simply too large for the property. Mr. & Mrs. Cooper testified that they have lived on their property since 1963 and have enjoyed the peace and tranquility associated with their wooded lot for all of these years. They believe the proposed use of the subject site will be an over-development of the property and that it will have an adverse impact on their property.

In response to the Coopers' concerns, the Owners/Developers described the proposed facility in accordance with that shown on Developer's Exhibit 1. They testified that the proposed facility will be constructed on the site where an old, two-story schoolhouse currently exists. That building has been out of service for many years and the property has most recently been used by the Baltimore County Bureau of Highways. The old building will be razed to make way for the proposed facility which will consist of a one-story building, laid out in the form of an elongated "H". Each wing will provide living quarters for residents who suffer from low and mid-level Alzheimer's Disease. The central core of the proposed building will house administrative offices, food service, nursing stations, and other administrative facilities. Manorcare intends to fashion Arden Courts after the Assisted Living Facility that was recently constructed on Reisterstown Road. The Owners/Developers believe that the use of the subject property as proposed will not adversely affect the Coopers in that the Coopers' house is situated some 100 feet higher in elevation than the proposed facility.

Further testimony offered by the Developers demonstrated that the old two-story schoolhouse building cannot be refurbished for use as an assisted living facility. The building was not built to accommodate such a use, given that it is a two-story structure which was not

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By

designed in the manner necessary to assist individuals in low and mid-level states of dementia. Thus, the existing building must be removed so that a one-story structure, specifically designed for its intended residents, can be constructed. Furthermore, in order to provide an assisted living facility for up to 60 residents, the Owners/Developers have requested an increase in the density allowed to a level of a D.R.4.2 equivalent. A representative from Manorcare indicated that Arden Courts will house only those individuals with low and mid-level dementia, and that they will not seek to house any other individuals who need assistance with daily living. They believe the market in this area is very strong for the proposed use, and that the proposed facility will be a benefit to the surrounding community.

In addition to the special exception request, certain variance relief is necessary in order to proceed with the proposed development. Due to the irregular shape of the subject property and the topography of the land, and, in particular, the hill to the rear of the property, the proposed facility has been laid out in a linear fashion. Thus, the building is somewhat longer than the 300-foot maximum length allowed. It is to be noted that the proposed building will be 306 feet in length, merely 6 feet longer than that permitted. In addition, given the irregular shape of the property, a corner of the proposed building will be located 30 feet from the Bellona Avenue right-of-way in lieu of the required 60-foot distance. Furthermore, variance relief has been requested for an existing dwelling that is located on an adjacent parcel which was recently acquired by the Developers. Testimony indicated that this dwelling will remain as it currently exists and that there are no plans to alter this building. However, the requested variances are necessary in order to legitimize its location.

At the conclusion of the hearing, I found it necessary to visit the property and inspect the surrounding area. I visited the property along Bellona Avenue and observed the site from the

Coopers' property located on Acorn Hill Circle. My personal inspection of the area gave me a better understanding of the topography and layout of the subject property, as well as the effect the proposed development will have on the Coopers' residence located on the adjacent parcel.

After due consideration of the testimony and evidence presented, I find that the development plan submitted into evidence as Developer's Exhibit 1 should be approved, and the special exception and variance relief, as modified hereinafter, should be granted. The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

In addition to the special exception requirements set forth in Section 502.1, this Hearing Officer must find that the proposed use meets the requirements of Sections 432.3.C.1-4 and 432.4.A-C, which relate to elderly housing facilities. After due consideration of the testimony and evidence presented, I find that the requested waiver of RTA buffer and setback requirements is appropriate in this instance and should be granted. In addition, I find that the requested

ORDER RECEIVED FOR FILING

Date

By

variance relief relative to the proposed building on the property and the uses thereon should be granted. However, as a condition of the approval of the development plan and special exception requests, the Developers shall be required to establish a board of Advisors for Arden Courts which shall be composed of members selected by the Board of Directors of the Ruxton-Riderwood-Lake Roland Area Improvement Association. Said Advisory Board shall consist of at least five (5) members and shall convene at least four (4) times a year. This Advisory Board shall assist Arden Courts in assuring that the assisted living facility operates compatibly with the surrounding community.

As to the variances for the proposed assisted living facility, I shall approve the relief requested to allow a 30-foot setback from the Bellona Avenue right-of-way in lieu of the required 60 feet. Only a small portion of the proposed building, given its "H" design, will infringe upon this setback. In addition, due to the topography of the land and irregular shape of the property, the building has been designed in an elongated fashion to accommodate the 60 units proposed. Furthermore, the variance to allow parking and deliveries to be located in the front of the property in lieu of the required rear/side locations, shall also be granted, given the site constraints associated with this property. .

As to the variance relief requested for the existing dwelling, I am persuaded to grant same. It is clear that this dwelling has existed on the property for many years and that the relief requested is necessary for the purpose of legitimizing same. Testimony indicated that the dwelling will remain as it presently exists and will continue to be utilized as a single family residence. Thus, I find no compelling reason to deny the requested variances.

The remaining variances deal with the proposed identification sign which is to be erected at the entrance to the parking lot. The zoning regulations permit a freestanding, institutional sign

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Date 1/14/09
By [Signature]

of 50 sq.ft. total, with a maximum height of 6 feet. The Developers propose to erect a double-faced, illuminated institutional sign of 120 sq.ft. total, 12 feet in height. Testimony presented at the hearing indicated that other identification signs in the surrounding area are, for the most part, ground-mounted signs tastefully incorporated into a brick design. Photographs of these signs were submitted by Mr. Cooper as Protestant's Exhibit 2. I am persuaded that the proposed sign should comply with the current sign regulations applicable to the subject site and that the Owners/Developers should design an institutional sign for Arden Courts that is within those guidelines. Therefore, I shall deny the requested variances from the sign regulations and shall require a sign in compliance with same.

It is to be noted that in reaching my decision on the special exception and variance requests, I relied upon the agreement reached between the Owners/Developers and the Ruxton-Riderwood-Lake Roland Area Improvement Association, a copy of which was submitted into evidence as Developer's Exhibit 4A. This agreement shall be incorporated herein and made a part hereof as conditions to the development plan and zoning approvals. All of the conditions of that agreement shall be enforceable as if a part of this Order. As a result of the agreement reached between the parties, the Ruxton-Riderwood-Lake Roland Area Improvement Association supports the Developer and its proposal for the subject site.

Furthermore, in granting the special exception and variance relief, I relied on the support of the Office of Planning who has reviewed this matter thoroughly. A compatibility study was submitted by the Owners/Developers and reviewed and approved by that agency. Furthermore, the Office of Planning had no objections to the proposal, other than they wanted assurance that the proposed facility is constructed consistent with the elevation drawings submitted into evidence as Developer's Exhibit 2. Therefore, I shall impose an appropriate restriction at the end

CASE RECORDED FOR FILING
Date 11/6/99
By [Signature]

of this Order to insure that said elevation drawings are adhered to during the construction phase of this project.

Pursuant to the zoning and development plan regulations of Baltimore County as contained within the B.C.Z.R. and Subtitle 26 of the Baltimore County Code, the advertising of the property and public hearing held thereon, the development plan shall be approved consistent with the comments contained herein and the Petitions for Special Exception and Variance, but for the requested sign variances, shall be granted, subject to the restrictions set forth hereinafter.

THEREFORE, IT IS ORDERED by this Deputy Zoning Commissioner/Hearing Officer for Baltimore County, this 6th day of January, 1999, that the development plan for Arden Courts, submitted as Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit an Assisted Living Facility on the subject property and a waiver of Residential Transition Area (RTA) buffer and setback requirements to allow setbacks of as little as 0 feet in lieu of the required 50 feet and 75 feet, respectively, and to increase the permitted density from 28 units to 60 (or a D.R.4.2 equivalent), in accordance with Developer's Exhibit 1, be and is hereby APPROVED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 1B02.3.C.1, 301 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit front yard setbacks of 8 feet and 0 feet for an existing dwelling and its attached open porch, respectively, in lieu of the minimum required 60 feet; from Section 1B01.2.C.1.A to permit a front yard setback of 30 feet in lieu of the minimum required 60 feet for the proposed Assisted Living Facility; from Section 504 of the Comprehensive Manual of Development Policies (C.M.D.P.) to permit a building length of 306' in lieu of the maximum permitted 300'; and from

CITY RECORDS & COMMUNICATIONS DIVISION
DATE 1/6/99 BY [signature]
FILED [signature]

Section 432.B of the B.C.Z.R. to permit a lot size of 3.56 acres in lieu of the minimum required 10 acres, in accordance with Developer's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:


- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The Developers shall establish a Board of Advisors for Arden Courts which shall be composed of members selected by the Board of Directors of the Ruxton-Riderwood-Lake Roland Area Improvement Association. Said Advisory Board shall consist of at least five (5) members and shall convene at least four (4) times a year. This Advisory Board shall assist in assuring that the assisted living facility operates compatibly with the surrounding community.
- 3) The Developers shall comply with the agreement reached between the Ruxton-Riderwood-Lake Roland Area Improvement Association, identified herein as Developer's Exhibit 4, a copy of which is attached hereto and made a part hereof.
- 4) The proposed facility shall be constructed in accordance with the elevation drawings submitted into evidence as Developer's Exhibit 2, which have been reviewed and approved by the Office of Planning.
- 5) The color and style of the building materials used in the construction of the proposed facility shall be in character and keeping with the surrounding landscape. Of particular importance is the color of the roof, given that it will be visible from those homes that sit at a higher elevation. The building materials proposed to be used shall be reviewed and approved by the Office of Planning.
- 6) Prior to the issuance of any permits, the Owners/Developers shall submit a lighting and landscape plan to Mr. Avery Harden, Landscape Architect for Baltimore County, for review and approval.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 450.4.6 of the B.C.Z.R. to permit a freestanding, illuminated double-faced institutional sign of 60 sq.ft. per side (120 sq.ft. total) in lieu of the maximum permitted 25 sq.ft. total, with a

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DATE 11/16/99
BY [signature]

height of 12 feet in lieu of the maximum allowed 6 feet, in accordance with Developer's Exhibit 1, be and is hereby DENIED.

Any appeal of this decision must be taken in accordance with Section 26-209 of the Baltimore County Code.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
Hearing Officer for Baltimore County

TMK:bjs

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DATE 11/14/09
BY [Signature]



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 8101 Bellona Avenue

which is presently zoned DR 2 & DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

see attached Schedule A

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner App
Contract Purchaser/Lessee:

Legal Owner(s):

William Gary Denhardt
Name - Type or Print
William Gary Denhardt
Signature
8013 Bellona Ave 410-821-5066
Address Telephone No.
Towson MD 21204
City State Zip Code

Baltimore County, Maryland
Name - Type or Print
[Signature]
Signature
Name - Type or Print
Signature
Courthouse
Address 400 Washington Avenue 410-887-2450 Telephone No.
Towson Maryland 21204
City State Zip Code

Attorney For Petitioner:

Benjamin Bronstein
Name - Type or Print
[Signature]
Signature
George & Bronstein, LLP
Company
29 W. Susquehanna Ave., Suite 205
Address (410) 296-0200 Telephone No.
Towson Maryland 21204
City State Zip Code

Representative to be Contacted:

Gower Thompson, Inc.
Name 429 East Lake Avenue
Baltimore, Maryland 21212 410-532-0101
Address Telephone No.
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
UNAVAILABLE FOR HEARING _____

Reviewed By UCR Date 12-1-98

**Drop Off
No Review**

ORDER RECEIVED FOR FILING

Date 11/16/98
By [Signature]
Case No. **99-159-XA**
RECEIVED
REVISED

Schedule A

for an assisted living facility (ALF) and to ^{Waive}~~permit~~ RTA buffers and setbacks of as little as "0" ft in lieu of the required 50 ft. and 75 ft. respectively, and to increase the permitted density from 30¹⁸ ALF units to 60 (DR4.2 equivalent) as shown on the provided site plan.

ORDER RECEIVED FOR FILING

Date

1/6/99

BY

[Signature]



Baltimore County
Zoning Commissioner
Office of Planning

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386

January 6, 1999

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: DEVELOPMENT PLAN and PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
E/S Bellona Avenue, N of Joppa Road, 4,200' W of the c/l Charles Street
(8101 Bellona Avenue)
8th Election District - 3rd Councilmanic District
Manorcare Health Services, Inc., Contract Purchasers/Developers
Cases Nos. IX-681 and 99-159-XA

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The development plan has been approved and the Petitions for Special Exception and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Fred Thompson, Gower Thompson, Inc.
429 E. Lake Avenue, Baltimore, Md. 21212
Mr. William Gary Denhardt, 8013 Bellona Avenue, Towson, Md. 21204
Mr. Michael Sicher, 8023 Rider Avenue, Baltimore, Md. 21204
Ms. Peggy Squitieri, Ruxton-Riderwood-Lake Roland Area Improvement Assoc.
P.O. Box 204, Riderwood, Md. 21139
Mr. & Mrs. Ernest Cooper, 3 Acorn Hill Lane, Baltimore, Md. 21204

Chris Rorke, DPDM; DEPRM; DPW; R&P; OP; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at

8101 Bellona Avenue

which is presently zoned DR 2 & DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

see attached Schedule A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

1. Configuration of the property;
2. Topography of the property; and
3. For such other reasons as may be demonstrated at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Assignee: Legal Owner

William Gary Denhardt

(Type or Print Name)

William Gary Denhardt
Signature

8013 Bellona Ave
Address

Towson MD 21204
City State Zipcode

Attorney for Petitioner: Benjamin Bronstein, Esquire
George & Bronstein, LLP

(Type or Print Name)

Leeya Frost
Signature

29 West Susquehanna Avenue
Suite 205 (410)296-0200

Towson, Maryland 21204
Address Phone No.
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Baltimore County, Maryland

(Type or Print Name)

[Signature]
Signature

(Type or Print Name)

Signature

Courthouse
400 Washington Avenue 410-887-2450
Address Phone No.

Towson, Maryland 21204
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Gower Thompson, Inc.

429 East Lake Avenue
Baltimore, Maryland 21212 (410)532-0101
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

99-159-XA

ORDER RECEIVED FOR FILING

Date

By

Revised 12/1/98

**Drop Off
No Review
wca**

Zoning Administration

Development Management

Schedule A

front yard setback under 1B02.3.C.1 & 301 & 303.1 BCZR to permit a front dwelling setback of 0' for an existing open porch and 8' for an existing dwelling in lieu of the maximum required 60'; from 1B01.2.C.1A to permit a front yard setback of 30' in lieu of the minimum required 60 ft for the ALF; from section 504 CMDP (Residential Standards) to permit a building length of 306' in lieu of the permitted maximum of 300'; from paragraph 450.4.6. to permit a freestanding illuminated double face institutional sign of 60 sf per side in lieu of the permitted 25 sf with a height of 12' in lieu of the permitted 6'; from 432B to permit a lot size 3.56 acres (net) in lieu of the required 10 acres necessary for an alteration of residential density and residential transition area restrictions.

ORDER RECEIVED FOR FILING

Date

By

ATTACHMENT TO PETITION FOR VARIANCE

SCHEDULE A

§432B to permit an assisted living facility on less than a 10 acre site and from §450.5 to permit a free standing, illuminated 120 sq ft per face sign in lieu of the permitted wall mounted non-illuminated sign of 1 sq ft per face sign, from §1B01.2.C.1a to permit a front yard setback of 30 ft in lieu of the minimum required 60 ft.

ORDER RECEIVED FOR FILING

Date

By

ARDEN COURTS TOWSON
ZONING DESCRIPTION

BEGINNING AT A POINT AT THE CENTER OF BELLONA AVENUE AT THE BEGINNING OF THAT PARCEL OF LAND, WHICH BY DEED DATED JULY 19, 1987, RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER L.M.B. 224 FOLIO 441 WAS CONVEYED BY ANGELINE A. FOSTER AND HUSBAND TO FRANCIS HOMER (APPROXIMATELY 350' NORTH OF JOPPA ROAD). THENCE BINDING IN OR NEAR THE CENTER LINE OF BELLONA AVENUE THE FOLLOWING FIVE COURSES AND DISTANCES:

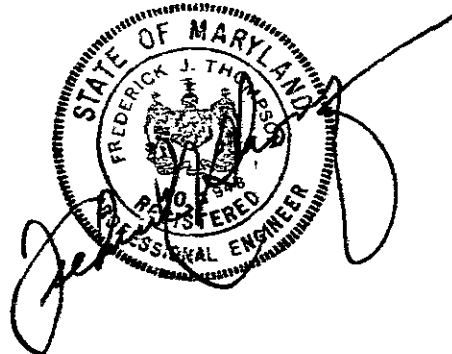
- 1) SOUTH 05° 33' 23" WEST, 76.28 FEET;
- 2) NORTH 16° 29' 00" EAST, 207.67 FEET;
- 3) NORTH 20° 28' 00" EAST, 80.00 FEET;
- 4) NORTH 28° 17' 00" EAST, 117.000 FEET; AND
- 5) NORTH 31° 34' 00" EAST, 80.55 FEET;

THENCE LEAVING THE CENTERLINE OF BELLONA AVENUE, THE FOLLOWING COURSES AND DISTANCES:

- 1) SOUTH 70° 52' 48" EAST, 110.33 FEET;
- 2) SOUTH 10° 16' 48" EAST, 213.56 FEET;
- 3) SOUTH 30° 06' 44" EAST, 266.17 FEET;
- 4) SOUTH 16° 19' 00" WEST, 99.81 FEET;
- 5) NORTH 73° 41' 00" WEST, 290.42 FEET;
- 6) NORTH 16° 21' 26" EAST, 58.00 FEET; AND
- 7) SOUTH 80° 15' 34" EAST, 146.68 FEET

TO THE POINT OF BEGINNING.

CONTAINING 3.56 ACRES MORE OF LESS. ALSO KNOWN AS 8013 & 8101 BELLONA AVENUE AND LOCATED IN THE 9TH ELECTION DISTRICT.



99-159-XA

BALTIMORE COUNTY, MARYLA
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 060343

DATE 10/14/98 ACCOUNT 001-6150

AMOUNT \$ 550.00 (WCR)

RECEIVED
FROM:

George & Bronstein

FOR:

SPECIAL EXCEPTION & VARIANCE

Item 159

8101 Bellona Avenue
Drop-Off --- No Review

Case #99-159-XA

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROPOSED ACTUAL TIME
10/16/1998 10/15/1998 15:45:00

RIG 4805 CASHIER LSHI LXS TRAMER

5 MISCELLANEOUS CASH RECEIPT

Receipt # 079180

CP NO. 060343

550.00 CHECK

Baltimore County, Maryland

CASHIER'S VALIDATION

THE DAILY RECORD

98-22249

NOTICE OF ZONING HEARING Zoning Case No. 99-159XA

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Room 204, 10000 Beltsville Avenue, on the property identified herein as follows: 3101 Beltsville Avenue.

Special Exception for an Assisted Living Facility (ALF) and to waive RTA buffers and setbacks of 35 feet on each side in lieu of the required 50 feet and 75 feet, respectively, and to increase the permitted density from 30 ALF units to 60 ALF units. The hearing will be held on the date and at the location indicated on the attached map. The hearing will be held for a period of 15 minutes for each side of the hearing. The hearing will be held for a period of 15 minutes for each side of the hearing. The hearing will be held for a period of 15 minutes for each side of the hearing.

Representative of the applicant will call.
410-687-3333.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-687-3333.

43

Baltimore, December 3, 1998

We hereby certify that the annexed advertisement of

Notice of Zoning Hearing to be held on

Tuesday, December 22, 1998 on Zoning

Case No. 99-159XA.

was published in THE DAILY RECORD, a daily newspaper published in the City of Baltimore, on

December 3, 1998

First insertion December 3, 1998

THE DAILY RECORD COMPANY,

Per



NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: 890-160-VA
8101 Belterra Avenue
E/S Belterra Avenue, 350' N of Centerline Joppa Road (AKA
8013 & 8101 Belterra Ave.)

9th Election District - 4th Councilmanic District

Legal Owner(s): Baltimore County, Maryland
Contract Purchaser: William Gary Denhardt

Special: Exception: for an Assisted Living Facility and to

waive RTA standards. Variance: to permit a free-standing

Facility on less than a 10-acre site; to permit a free-standing,

illuminated 120-square foot par face sign in lieu of the per-

mitted wall-mounted, non-illuminated sign of 1 square foot

per face sign; and to permit a front yard setback of 30 feet in

lieu of the minimum required 60 feet.

Hearing: Tuesday, December 22, 1998 at 2:00 p.m. in Room

407, County Courts Bldg., 401 Bostley Avenue.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special ac-

commodations Please Call (410) 887-3353.

(2) For information concerning the file and/or Hearing, Please

Call (410) 887-3351.

12/02/98 Dec. 3 0276682

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/31, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/31, 1998.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

CERTIFICATE OF POSTING

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

CASE NUMBER: 99-159-XA

PETITIONER/DEVELOPER: () *Manor Care Health Services, Inc.*

DATE OF HEARING/CLOSING: () *12-22-98*

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY
THAT THE NECESSARY SIGN (S) REQUIRED BY LAW WERE POSTED
CONSPICUOUSLY ON THE PROPERTY LOCATED AT,

8101 Bellona Avenue, Baltimore, Md. 21204

THE SIGN (S) WERE POSTED ON, *12-7-98* BY THE UNDERSIGNED.

SINCERELY,

Thomas P. Ogle Sr.
12-7-98

THOMAS P. OGLE SR.
325 NICHOLSON RD.
BALTIMORE MD. 21221
(410) 687-8405
(410) 687-4381 (FAX)

CERTIFICATE OF POSTING

RE: Case No. CIM
Petitioner/Developer:
(Manorcare Health Serv.)
Date of Hearing/Closing:
(Feb. 17, 1998)

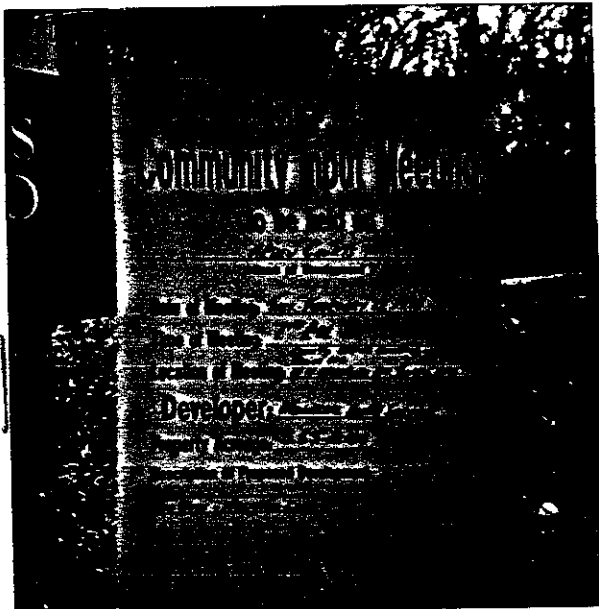
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention : Ms. Gwendolyn Stephens

Ladies and Gentleman:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the property located at _____
8101 Bellona Ave. Baltimore, Maryland 21204 _____

The sign(s) were posted on _____ Jan 24, 1998 _____
(Month, Day, Year)



Sincerely,

Thomas P. Ogle, Sr.
(Signature of Sign Poster & Date)

Thomas P. Ogle, Sr. _____

325 Nicholson Road _____

Baltimore, Maryland 21221 _____

(410)-687-8405 _____
(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 99-159-XA

Petitioner/Developer: MANORCARE HEALTH SERVICES
[REDACTED]

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

[REDACTED]
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 8101 BELLONA AVE.

The sign(s) were posted on 2/4/99
(Month, Day, Year)

Sincerely,

Gary C. Freund 2/4/99

(Signature of Sign Poster and Date)

GARY C. FREUND

(Printed Name)

(Address)

(City, State, Zip Code)

(Telephone Number)



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

October 14, 1998

Benjamin Bronstein, Esquire
George and Bronstein
29 West Susquehanna Avenue
Suite 205
Towson, MD 21204

Dear Mr. Bronstein:

RE: Drop-Off Petition, 8101 Bellona Avenue, Zoning Case 99-159-XA

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. Once a detailed review has been completed by the staff, those comments will be forwarded to you (hopefully before the hearing).

As Baltimore County is no longer responsible for posting properties, I have enclosed the proper form pertaining to this. The sign must contain the wording indicated on the "Zoning Notice" form and the certificate of posting must be completed by the poster and returned to this office.

If you have any questions regarding the sign posting, please do not hesitate to contact Sophia Jennings at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "WCR/scj".

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:scj

Enclosures

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-159-XA

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: SPECIAL EXCEPTION FOR AN ASSISTED
LIVING FACILITY AND TO WAIVE RTA TRANSITION
STANDARDS. VARIANCE TO PERMIT AN ASSISTED
LIVING FACILITY ON LESS THAN A 10-ACRE SITE;
TO PERMIT A FREE STANDING, ILLUMINATED 120 SQ.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

9/96
post 4.doc

FT. PER FACE SIGN IN LIEU OF THE PERMITTED
WALL MOUNTED NON-ILLUMINATED SIGN OF
1 SQ. FT. PER FACE SIGN; AND TO PERMIT
A FRONT YARD SETBACK OF 30 FT. IN
LIEU OF THE MINIMUM REQUIRED 60 FT.

WORDING FOR ADVERTISING & SIGN POSTING
ZONING CASE #99-159-XA
8101 Bellona Avenue

Special Exception for an Assisted Living Facility (ALF) and to waive RTA buffers and setbacks of as little as zero feet in lieu of the required 50 feet and 75 feet, respectively; and to increase the permitted density from 30 ALF units to 60 (DR4.2 equivalent) as shown on the site plan. Variance to permit a front setback of zero feet for an open porch and 8 feet for dwelling in lieu of the maximum required 60 feet; to permit a front yard setback of 30 feet in lieu of the minimum required 60 feet; to permit a building length of 306 feet in lieu of the permitted maximum of 300 feet; to permit a freestanding illuminated double face institutional sign of 60 square feet per side in lieu of the permitted 25 square feet with a height of 12 feet in lieu of the permitted 6 feet; and to permit a lot size of 3.56 acres in lieu of the required 10 acres.

HEARING: Tuesday, December 22, 1998 at 2:00 p.m. in Room 407,
County Courts Building, 401 Bosley Avenue

SIGN MUST BE POSTED BY DECEMBER 7, 1998.

Post-it® Fax Note	7671	Date	12-1-98	# of pages	1
To	Ben Bronstein	From	SOPHIA		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	410-296-3719	Fax #			

TO: PATUXENT PUBLISHING COMPANY
December 3, 1998 Issue - Jeffersonian

Please forward billing to:

Benjamin Bronstein, Esquire
George & Bronstein, LLP
29 W. Susquehanna Avenue
Towson, MD 21204

410-296-0200

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-159-XA

8101 Bellona Avenue

E/S Bellona Avenue, 350' N of centerline Joppa Road (AKA 8013 & 8101 Bellona Ave.)

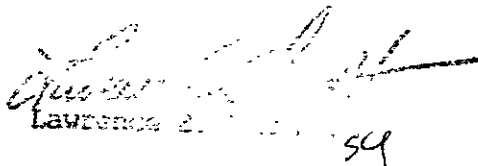
9th Election District – 4th Councilmanic District

Legal Owner: Baltimore County, Maryland

Contract Purchaser: William Gary Denhardt

Special Exception for an Assisted Living Facility and to waive RTA standards. Variance to permit an Assisted Living Facility on less than a 10-acre site; to permit a free-standing, illuminated 120-square foot per face sign in lieu of the permitted wall-mounted, non-illuminated sign of 1 square foot per face sign; and to permit a front yard setback of 30 feet in lieu of the minimum required 60 feet.

HEARING: Tuesday, December 22, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

November 4, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

HEARING OFFICERS HEARING

Project Name: Arden Courts

Project Number: 9-681

Location: E/S Bellona Avenue, N of Joppa Road

Acres: 3.94

Developer: Manor Care Health Services, Inc.

Engineer: Gower Thompson, Inc.

Proposal: 60-Bed Assisted Living Facility

***** AND *****

CASE NUMBER: 99-159-XA

8101 Bellona Avenue

E/S Bellona Avenue, 350' N of centerline Joppa Road (AKA 8013 & 8101 Bellona Ave.)

9th Election District – 4th Councilmanic District

Legal Owner: Baltimore County, Maryland

Contract Purchaser: William Gary Denhardt

Special Exception for an Assisted Living Facility and to waive RTA standards. Variance to permit an Assisted Living Facility on less than a 10-acre site; to permit a free-standing, illuminated 120-square foot per face sign in lieu of the permitted wall-mounted, non-illuminated sign of 1 square foot per face sign; and to permit a front yard setback of 30 feet in lieu of the minimum required 60 feet.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

**NOTICE OF ZONING HEARING
HEARING OFFICERS HEARING**

Project Name: Arden Courts

CASE NUMBER: 99-159-XA

8101 Bellona Avenue

Page 2

HEARING: Tuesday, December 22, 1998 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue.

A handwritten signature in cursive script, appearing to read "Arnold Jablon", with the number "54" written below it.

Arnold Jablon
Director

c: Benjamin Bronstein, Esquire
William Gary Denhardt
Gower Thompson, Inc.

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 7, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

February 2, 1999

Benjamin Bronstein, Esquire
EVANS, GEORGE AND BRONSTEIN
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

J. Carroll Holzer, P.A.
508 Fairmount Avenue
Towson, MD 21286

RE: Case No. CBA-99-104 /PDM IX-691 and
Case No. 99-159-XA /Arden Courts (Manorcare
Health Services, Inc. -Applicant)

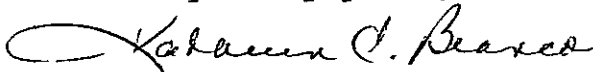
Dear Counsel:

This letter will confirm that Mr. Bronstein's request for postponement in the subject matter from the scheduled hearing date of February 24, 1999 has been granted, without objection by Mr. Holzer. A Notice of Postponement and Reassignment is enclosed.

As discussed in our telephone conversations, the window for this development plan appeal hearing is February 20 through March 7, 1999. However, pursuant to agreement of Counsel as confirmed by telephone this date, and as indicated in Mr. Bronstein's letter of February 1st, the subject matter has been reassigned to March 11, 1999 (four days beyond the legislated window) without objection by Counsel.

Therefore, the enclosed Notice reflects the new hearing date of Thursday, March 11, 1999 at 10:00 a.m. Should you have any questions, please call me at 410-887-3180.

Very truly yours,


Kathleen C. Bianco
Administrator

encl.

cc: People's Counsel for Baltimore County
Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue February 2, 1999

NOTICE OF POSTPONEMENT & REASSIGNMENT

CASE #: CBA-99-104 IN THE MATTER OF: ARDEN COURTS --PDM IX-681 E/s
Bellona Avenue, N of Joppa Road (Manorcare Health
Svcs, Inc. -Applicant; Balto Co, et al -Owners)
9th Election District; 4th Councilmanic
and 99-159-XA Petitions for Special Exception and Variances

(Hearing Officer [DZC] APPROVED Development Plan;
APPROVED Special Exception; Variances GRANTED in
part and DENIED in part / with restrictions.)

which was scheduled for 2/24/99 has been POSTPONED at the request of Counsel
for Developer, without objection by Counsel for Appellants /Protestants, and
has been reassigned to a date as agreed to by both Counsel; and has been

REASSIGNED FOR: THURSDAY, MARCH 11, 1999 at 10:00 a.m.

This matter has been assigned for hearing in accordance with Section 26-209 of the Baltimore County Code.

NOTE: The Board's Rules of Practice & Procedure are found in the Baltimore County Code,
Appendix C.

Kathleen C. Bianco
Administrator

cc: Counsel for Appellants/Protestants : J. Carroll Holzer, Esquire
Appellants/Protestants : Mr. & Mrs. Ernest Cooper

Counsel for Developer : Benjamin Bronstein, Esquire
Developer : Manorcare Health Svcs, Inc.

Frederick J. Thompson /Gower Thompson, Inc.

William Gary Denhardt
Michael Sicher
Peggy Squitieri /Ruxton-Riderwood-Lake Roland Area Imp. Assn.

Office of People's Counsel
Pat Keller, Director /Planning
Lawrence E. Schmidt /Zoning Commissioner
Christine K. Rorke, Project Manager /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48

Old Courthouse, 400 Washington Avenue March 9, 1999

NOTICE OF POSTPONEMENT

CASE #: CBA-99-104

IN THE MATTER OF: ARDEN COURTS --PDM IX-681 E/s
Bellona Avenue, N of Joppa Road (Manorcare Health
Svcs, Inc. -Applicant; Balto Co, et al -Owners)
9th Election District; 4th Councilmanic
Petitions for Special Exception and Variances

and 99-159-XA

(Hearing Officer [DZC] APPROVED Development Plan;
APPROVED Special Exception; Variances GRANTED in
part and DENIED in part / with restrictions.)

which was previously postponed to hearing on 3/11/99 has been POSTPONED by
agreement of counsel to allow time for resolution /settlement; to be
reassigned a hearing date upon request of either party and in the event
settlement is not finalized.

This matter has been assigned for hearing in accordance with Section 26-209 of the Baltimore
County Code.

NOTE: The Board's Rules of Practice & Procedure are found in the Baltimore County Code,
Appendix C.

Kathleen C. Bianco
Administrator

cc: Counsel for Appellants/Protestants : J. Carroll Holzer, Esquire
Appellants/Protestants : Mr. & Mrs. Ernest Cooper

Counsel for Developer : Benjamin Bronstein, Esquire
Developer : Manorcare Health Svcs, Inc.

Frederick J. Thompson /Gower Thompson, Inc.

William Gary Denhardt
Michael Sicher

Peggy Squitieri /Ruxton-Riderwood-Lake Roland Area Imp. Assn.

Office of People's Counsel
Pat Keller, Director /Planning
Lawrence E. Schmidt /Zoning Commissioner
Christine K. Rorke, Project Manager /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 17, 1998

Benjamin Bronstein, Esq.
George & Bronstein, LLP
29 W. Susquehanna Avenue, Suite 205
Towson, MD 21204

RE: Item No.: 159
Case No.: 99-159-XA
Location: 8101 Bellona Avenue


Dear Mr. Bronstein:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on December 1, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

c: Gower Thompson, Inc., 429 East Lake Ave., Baltimore, MD 21212

WCR:ggs

Come visit the County's Website at www.co.ba.md.us

Enclosures



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

Date: December 28, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RB/41*

SUBJECT: Zoning Item #**159 - REVISED**

Arden Courts Towson

Zoning Advisory Committee Meeting of December 14, 1998

----- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

----- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

 X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

 X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

 X Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).


----- Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: November 2, 1998

FROM:  Robert W. Bowling, Supervisor
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for November 2, 1998
 Item Nos. 154, 155, 158, 159, 161,
 162, 163, 164, 165, 166, 167, 170

Also:

Case #99-151-SPHXA
Loyola College/Beckleysville Road

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1102.NOC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: December 24, 1998

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for December 23, 1998
Item Nos. 222, 223, 224, 225, 226,
227, 228, 229, 231, 232, 233, 234,
and 235

AND

Revised Petitions and Plats for
Case #99-159-XA (8101 Bellona Avenue)

The Bureau of Developer's Plans Review has reviewed the subject zoning items and revised petitions and plats, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1223.NOC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 10.27.95

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

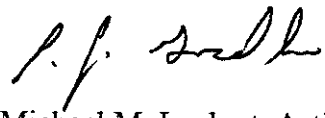
RE: Baltimore County
Item No. 159 WCR

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


to Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 12.11.96

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. # 99-159-XA
8101 Bellona Ave

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1- Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
(410)887-4880

OCTOBER 29, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: BALTIMORE COUNTY, MARYLAND

Location: DISTRIBUTION MEETING OF OCTOBER 26, 1998

Item No.: 159 Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at proper intervals, along an approved road in accordance with Baltimore County Standard Design Manual Sec. 2.4.4 Fire Hydrants, as published by the Department of Public Works.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.
9. ACCESS FOR FIRE DEPARTMENT EMERGENCY APPARATUS IS NEEDED AT THE FOLLOWING PORTION(S) OF THE BUILDING NORTH SIDE EXTEND TO REAR EAST CORNER. THE ACCESS ROAD SHALL BE A MINIMUM OF 18 FEET IN WIDTH.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F





Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

November 17, 1999

RECEIVED JAN 06 2000

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 1, 1999

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

155, 156, 157, 158, 159, 160, 161, 162, 163,
167, 168, and 171

REVIEWER: LIEUTENANT HERB TAYLOR, Fire Marshal's Office
PHONE 887-4881, MS-1102F


cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director **DATE:** March 28, 2000
Permits & Development Management

FROM: Charlotte E. Radcliffe 
County Board of Appeals

SUBJECT: Closed Files /Case Nos.:
99-159-XA /Manorcare Health Services, Inc.
(and related case -CBA-99-104 /PDM IX-681 /Arden Courts)

Since no further action was taken in the above captioned cases, which were dismissed by Order dated May 14, 1999, we are hereby closing the files and returning same to you herewith.

Attachment (99-159-XA to Dave Duvall & CBA-99-104 to Chris Rorke)

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
8013 and 8101 Bellona Avenue, E/S Bellona Ave,
350' N of c/l Joppa Rd, 9th Election District,
4th Councilmanic

Legal Owners: Baltimore County, Md.
Contract Purchaser: William G. Denhardt
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-159-XA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to Benjamin Bronstein, Esq., George & Bronstein, 29 W. Susquehanna Avenue, Suite 205, Towson, MD 21204, attorney for Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN

2nd CONCEPT PLAN CONFERENCES
(previous 9/8/97) SCHEDULE

MEETING LOCATION: County Office Building - Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204

DATE: 12/29/97

*Comments to Soph by 12/24/97

Time: 10:00:00 AM

Name: ARDEN COURTS

JTS

PDM

09-681

Proposal: 60 BED ASSISTED LIVING FACILITY

Zoning: DR - 2, DR - 3.5

Location: E S BELLONA AVENUE N OF JOPPA ROAD

Election District: 9

Engineer: GOWER THOMPSON, INC.

Council District: 4

Manager: CHRIS RORKE

Find Record

Add Record

Save Record

Print Form

ZONING REVIEW 1
PDM - RM 111 COB
W. CARL RICHARDS, JR.
FR: DEVELOPMENT MGT/PDM

REVIEWING AGENCIES: PLEASE DELIVER 5 COPIES OF YOUR COMMENTS TO PDM, ROOM 123 COB,
PRIOR TO THE CONCEPT PLAN CONFERENCE OR BRING THEM TO THE CONFERENCE IF YOUR
AGENCY WILL BE REPRESENTED.

FOR MORE INFORMATION PLEASE CALL THE DEPARTMENT OF PERMITS AND DEVELOPMENT
MANAGEMENT AT 887-3335

DEVELOPMENT PLAN CONFERENCE SCHEDULE

MEETING LOCATION:

COUNTY OFFICE BUILDING - ROOM 123
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204

* *Rev. Comments to Soph by 11/20/98*
DATE: 11/25/98 PROJECT: ARDEN COURTS
60 bed Assisted Living facility

J.J.S.

NUMBER: 09-681

TIME: 9:00:00 AM

LOCATION: E S BELLONA AVENUE N OF JOPPA ROAD

Plan date: 6-1-98

MANAGER: CHRIS RORKE

PHONE #: 410-887-3321

Zon: DR-2 & 3.5

Elet Dist 9

COUNCIL DISTRICT: 4

DEVELOPER'S ENGINEER: GOWER THOMPSON, INC.

HEARING OFFICER'S HEARING SCHEDULE

DATE: 12/22/98

PROJECT: ARDEN COURTS

J.J.S.

NUMBER: 09-681

TIME: 2:00:00 PM

LOCATION: E S BELLONA AVENUE N OF JOPPA ROAD

MEETING LOCATION: ROOM 407, COURTS BUILDING; 401 BOSLEY
AVENUE; TOWSON, MD 21204

MANAGER: CHRIS RORKE

PHONE #: 410-887-3321

COUNCIL DISTRICT: 4

DEVELOPER'S ENGINEER: GOWER THOMPSON, INC.

FOR MORE INFORMATION PLEASE CALL THE PROJECT MANAGER LISTED.

CONCEPT PLAN CONFERENCES SCHEDULE

MEETING LOCATION: County Office Building - Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204

DATE: 9/8/97

Comments to Soph by 9-4 AM

Time: 9:00:00 AM **Name:** ARDEN COURTS TOWSON **PDM:** 09-681

Proposal: 27,250 S.F., 60 BED ASSISTED LIVING FACILITY **Zoning:** DR - 2

Location: E S BELLONA AVE. N OF JOPPA RD.

Election District: 9 **Engineer:** GOWER, THOMPSON, INC.

Council District: 4 **Manager:** C. RORKE

Find Record

Add Record

Save Record

Print Form

**REVIEWING AGENCIES: PLEASE DELIVER 5
PRIOR TO THE CONCEPT PLAN CONFERENCE**

AGENCY WILL BE REPRESENTED

ZONING REVIEW 1
PDM - RM 111 COB
W. CARL RICHARDS, JR.
FR: DEVELOPMENT MGT/PDM

**I, ROOM 123 COB,
WILL BE PRESENT IF YOUR**

**FOR MORE INFORMATION PLEASE CALL THE DEPARTMENT OF PERMITS AND DEVELOPMENT
MANAGEMENT AT 887-3335**

Soph:

CRC
Plan

9/5 am

ARDEN COURTS CONDO

Proposal: 27,250 sq ft 60 bed assisted living facility

ES Bellong Ave, 800' E N of Toppe Rd.

DDM 09-681

for my comments → see specific detailed (attached)
checklist.

7-11 ' into

Dec 9/4

SORRY the site plan.

John S.

YH HOH Comments

12/17

HOH DATE: 12/22/98
2:00 p.m., Rm. 407 CCB

PROJECT NAME: Arden Courts

11-30-98
PLAN DATE: ~~8/1/98~~

LOCATION: E/S Bellona Avenue, 800' +/- N of Joppa Road

DISTRICT: 9c4

PROPOSAL: 60-Bed Assisted Living Facility

ZONING: D.R.-2/D.R.-3.5

10. Final zoning approval is contingent first upon all plan comments being addressed on the HOH & Pet. plan, secondly upon the final resolution of all comments, the outcome of any requested zoning hearings;

and 11/25 DRC Comments
AS per my 11-18-98 mtg. with Ben Bronstein, the following comments still apply to the latest revised site plans (dated 11-30-98):

Comment #3. A density increase request must state the zoning density increase up to D.R.-16. You must request the density increase special exception. The increase in permitted density requires a special exception per Section 432.B. (BCZR) and also an institutional or historic building on site to request said special exception; clarify that there is an existing institutional building on site. Compliance with Sect. 432.B.A.2, BCZR, (Res. Density Increase) OR no existing institutional use will be continued must be stated on the plan.

Comment #5. The total building width is over 300 feet. Therefore, a variance is required along with a favorable recommendation from the Director of Planning per the Zoning Policy Manual residential standards (page 29) and Section 504, BCZR. ~~is not show on the plan. Also~~ Dimension & show bldg. length within the RTA as referenced in the Variance. Reference the zoning Variance & Special Exception as listed on the Petition forms on the site plans (i.e. 306' length Variance is missing from the plan).

Comment #6. The note stating that RTA issues are shown correctly on the plan is not correct. Any single or 2-apartment dwelling or vacant lot of less than 2 acres within 150 feet of the tract boundary creates a 100-foot deep RTA transition line on site; structures or parking in this 100 feet must have 75-foot setbacks and 50-foot buffers clearly shown and labeled. This includes along the Bellona Avenue right-of-way. Show all buffer and setback dimensions (where less than required). Still incorrect. The dwellings across Bellona Ave. within 150 ft. of this property line must be labeled as dwellings and shown with 150 dimensions or less from this site boundary. The RTA buffer requirement along Bellona Ave. is not shown on the site plan and also the RTA Buffers & setbacks for the parking area which are not shown in the DR-3.5 zone.

Comment #7. Note on the plan under the density calculation: "This property as shown on the plan has been held intact since 1971. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings". If any adjacently owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly. ~~is NOT Done;~~

By John L. Lewis

12-1-98 — Ben Bronstein filed revised plats and petitions today. The ad for the Jeffersonian was for 12-3. I called the Jeff - too late to cancel. I called Ben & explained the situation. Ben will get the property properly posted and will place the ad in the Daily Record. He will get a certificate of publication and take to hearing or give to us before the hearing. I faxed the wording for the advertising and sign posting to Ben.

Sophia

99-159-XA



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 18, 1998

Benjamin Bronstein, Esquire
George and Bronstein, LLP
Susquehanna Building, Suite 205
29 West Susquehanna Avenue
Towson, MD 21204

Dear Mr. Bronstein:

RE: Drop-Off Revision Review, Arden Courts, 8101 Bellona Avenue, Case 99-159-XA

At the request of the attorney/petitioner, the above referenced revisions were accepted for filing without a final filing review by the staff. The revisions were accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

As per my November 18, 1998 meeting with Benjamin Bronstein and November 25, 1998 DRC comments, the following comments still apply to the latest revised site plans (dated November 30, 1998):

1. Prior Comment #3: *"A density increase request must state the zoning density increase up to D.R.-16. You must request the density increase special exception. The increase in permitted density requires a special exception per Section 432.B. (BCZR) and also an institutional or historic building on site to request said special exception; clarify that there is an existing institutional building on site."* Compliance with Section 432.3.A.2. BCZR (density increase) or no existing institutional use will be continued must be stated on the plan.
2. Prior Comment #5: *"The total building width is over 300 feet. Therefore, a variance is required along with a favorable recommendation from the Director of Planning per the Zoning Policy Manual residential standards (page 29) and Section 504, BCZR."* This is not shown on the plan. Also, dimension and show building length within the RTA as referenced in the variance. Reference the zoning variances and special exception as listed on the petition forms on the site plans (i.e., 306-foot length variance is missing from the plan).

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

3. Prior Comment #6: *"The note stating that RTA issues are shown correctly on the plan is not correct. Any single or 2-apartment dwelling or vacant lot of less than 2 acres within 150 feet of the tract boundary creates a 100-foot deep RTA transition line on site; structures or parking in this 100 feet must have 75-foot setbacks and 50-foot buffers clearly shown and labeled. This includes along the Bellona Avenue right-of-way. Show all buffer and setback dimensions (where less than required)."* Still incorrect. The dwellings across Bellona Avenue within 150 feet of this property line must be labeled as dwellings and shown with 150-foot dimensions or less from this site boundary. The RTA buffer requirement along Bellona Avenue is not shown on the site plan and also the RTA buffer and setbacks for the parking area, which are not shown in the D.R.-3.5 zone.
4. Prior Comment #7: *"Note on the plan under the density calculation: 'This property as shown on the plan has been held intact since 1971. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings'. If any adjacently owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly."* This was not done.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,



John L. Lewis
Planner II
Zoning Review

JJS:JLL:scj

Enclosure (receipt)

c: Zoning Commissioner



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us
410-887-3391

November 16, 1998

Benjamin Bronstein, Esquire
George & Bronstein, LLP
29 West Susquehanna Avenue, Suite 205
Towson, Maryland 21204

Dear Mr. Bronstein:

RE: Drop-Off Petition Review (Case #99-159-XA), 8101 Bellona Avenue

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

John Lewis did not review the concept plan.

The following additional zoning hearing(s) or actions or corrections are required.

1. The name of the signature for the owner (Baltimore County) is not accompanied by a typed name or a title on the petition form.
2. The density calculations may not be calculated to support density across the D.R. -2/D.R. -3.5 zone line per Section 1BO1.2.A Baltimore County Zoning Regulations (BCZR).
3. A density increase request must state the zoning density increase up to D.R. -16. You must request the density increase special exception. The increase in permitted density requires a special exception per Section 432.B and also an institutional or historic building on site to request said special exception; clarify that there is an existing institutional building on site.
4. Show front building orientations and put the non residential principal building charts for D.R. -2 and D.R. -3.5 on the plan.

Come visit the County's Website at www.co.ba.md.us



5. The total building width is over 300 feet. Therefore, a variance is required along with a favorable recommendation from the Director of Planning per the Zoning Policy Manual Residential Standards (page 29) and Section 504, BCZR.
6. The note stating that RTA issues are shown correctly on the plan is not correct. Any single or 2 apartment dwelling or vacant lot of less than 2 acres within 150 feet of the tract boundary creates a 100' deep RTA transition line on site, structures or parking in this 100 feet must have 75' setbacks and 50 foot buffers clearly shown and labeled. This includes along the Bellona Avenue Right-of-way. Show all buffer and setback dimensions (where less than required).
7. Density, Area: Provide accurate gross and net area calculations in compliance with the following: net area = the entire overall tract/ownership area (excluding any existing public street right -of-ways; gross area = the net area plus $\frac{1}{2}$ of the tract boundary street right-of-way that the property is not denied access to, up to a maximum of 30 feet (see zoning Policy RSD-3).

Use the gross area in the density calculation, clearly indicating the source of the additional calculated area over and above the net area.

Note on the plan under the density calculation: "This property as shown on the plan has been held intact since 1971. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings". If any adjacently owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly.

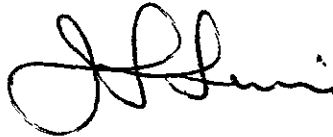
8. Staff has reviewed the sign legislation concerning application to ALFs and has determined that since a special exception is required for the use, that it is considered institutional and may have a freestanding identification sign of 25 square feet, 6 feet high with illumination per Section 450.4.6, BCZR. The requested 1 foot variance does not therefore apply.
9. Be aware that any development or building permit plan must agree with the zoning hearing plan.

Benjamin Bronstein, Esquire
November 16, 1998
Page 3

10. Due to the detailed nature of this review and the required multiple revisions, provide a copy of these comments with a revised red lined plan showing all changes as required with any revision plans submitted.

If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lewis", with a large, stylized initial "J" and a long horizontal flourish extending to the right.

John L. Lewis
Planner II, Zoning Review

JLL:cjs

Enclosure (receipt)

c: Zoning Commissioner

LAW OFFICES
GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

December 1, 1998

CONSTANCE K. PUTZEL
OF COUNSEL

HAND DELIVERED

Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: W. Carl Richards, Jr., Supervisor
Zoning Review Office

RE: 99-159 XA

Dear Mr. Richards:

I am the attorney of record in the above entitled case. Prior to filing the zoning petitions and plats, Mr. Sullivan of your office reviewed our submission in addition to submitted zoning comments pertaining to the development process. I subsequently filed the zoning petitions, together with the appropriate plats as a drop-off.

I was subsequently contacted by John Lewis of your office that the zoning petitions and the plats were not acceptable and, further, that revised zoning petitions and plats were required to be filed.

I have enclosed revised Petitions for Special Exception and Variance, together with 12 copies of the revised plan. In view of the fact that the initial filing was pursuant to a review by your office and the revised filing necessitated by a second review, I am requesting that the amendment fee of \$100.00 be waived. I have enclosed a check for \$100.00 in the event that this request is not granted.

Thank you for your kind attention to this matter.

Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh
Enclosure

REVISIONS

**Drop Off
No Review**

**NO, per
WCR
12/1/98**

10/29/98
Soph

LAW OFFICES
GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

October 28, 1998

VIA FAX 410-887-2824
AND FIRST CLASS MAIL

Ms. Gwen Stephens
Department of Permits
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: **Case No.: 99-159-XA**
PDM No.: IX-681
Arden Courts, Towson

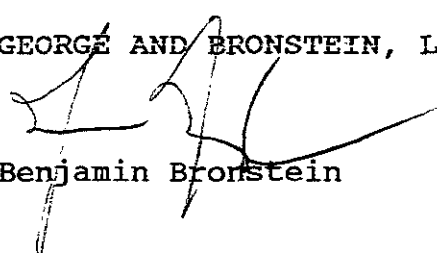
Dear Ms. Stephens:

On behalf of the contract purchaser/applicant Manor Care Health Services, Inc., please combine the development plan hearing with the hearing on the special exception and zoning variance filed in reference to this property.

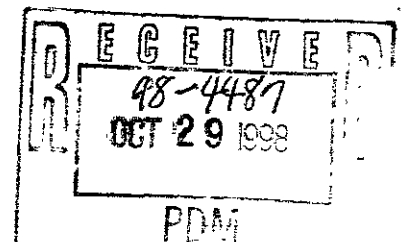
Thank you for your kind attention to this matter.

Very truly yours,

GEORGE AND BRONSTEIN, LLP


Benjamin Bronstein

BB/mlh



LAW OFFICES
GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

October 13, 1998

CONSTANCE K. PUTZEL
OF COUNSEL

HAND DELIVERED

Arnold Jablon, Director
Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

*old OK - we
forms OK
per ucr*

RE: **8101 Bellona Avenue**

Dear Mr. Jablon:

In reference to the above entitled property I am hereby enclosing the following:

1. Petition for Variance in triplicate.
2. Petition for Special Exception in triplicate.
3. Twelve (12) copies of the Plan to Accompany Special Exception and Zoning Variances.
4. Three (3) copies of the description under seal.
5. Copy of the zoning map.
6. My check to cover costs.

There are no violations.

Please enter my appearance on behalf of the Petitioner and advise me as to the hearing date.

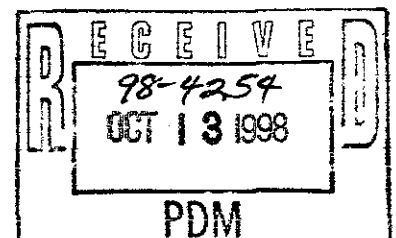
Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin
Benjamin Bronstein

BB/mlh
Enclosures

99-159.XA



LAW OFFICES
GEORGE AND BRONSTEIN, LLP

SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719

HARRIS JAMES GEORGE
BENJAMIN BRONSTEIN

CONSTANCE K. PUTZEL
OF COUNSEL

December 29, 1997

Mr. John Sullivan
Department of Permits
and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Arden Courts
PDM No.: 09-681

Dear Mr. Sullivan:

At the concept plan conference on December 29, 1997 Kate Milton articulated your concerns related to density for the above entitled project.

Please be advised that Mr. Jablon has taken the position that the 10 acre minimum under §432 may be subject to an area variance.

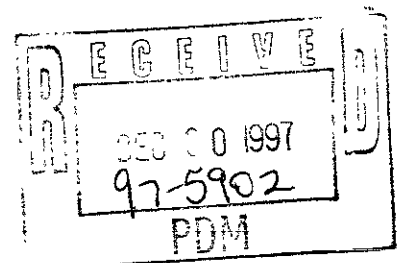
Very truly yours,

GEORGE AND BRONSTEIN, LLP

Benjamin Bronstein

BB/mlh

cc: Fred Thompson, P.E.



BALTIMORE COUNTY, MARYLAND

SUBJECT: CONCEPT PLAN COMMENTS
FROM: PDM - ZONING REVIEW

CPC DATE: 9/8/97
9:00 a.m., Room 123

PROJECT NAME: Arden Courts Towson

PLAN DATE: 8/20/97

LOCATION: E/S Bellona Avenue, 800' +/- N of Joppa Road

DISTRICT: 9c4

PROPOSAL: 27,250-square foot, 60-bed
Assisted Living Facility

ZONING:

DR-2 +
DR-3.5

The following information must be shown on the site plan:

✓ Election district, county council district.

✓ Vicinity Map: A vicinity map must be included on all site plans with the scales of 1" = 200', 1" = 500', or 1" = 1,000'.

However

X Zoning Hearings: A special exception is required. The case number(s), date of the order(s), what was granted or denied, and any restrictions must be listed and addressed on the plan. The required minimum site area cannot be variances. Site acreage cannot accommodate 60 residents. Give variance case number, etc. for setback deficiency. ~~However~~ Per Section 101, Assisted Living Facility definition, density is calculated at 0.25 for each bed (for over 15 residents).

X Location: Add street address when acquired and distance from property corner to nearest intersecting public street centerline.

? Streets: Show right-of-way dimensions using \longleftrightarrow , easements. Include all existing public boundary streets with the existing right-of-way width and paving width. Also include any right-of-way widening required, either by Baltimore County Department of Public Works or the State of Maryland. Include any existing or proposed easements or rights-of-ways and indicate public or private. (For Baltimore County roads, room 200 and room 206, County Office Building: State Highways, telephone 410-545-5600.)

X Building Dimensions.

Include

✓ Signs: All existing and proposed, location, height, square footage, illumination, setback from existing or proposed right-of-way, and note if single or double-faced. Show elevation drawing(s) to scale, if free-standing. Show placement of sign on the building wall, if wall-mounted, and dimension/length of wall. Add variance information.

✓ Features: Location of streams, storm water management systems, drainage, and pipe systems on or within 50 feet of the property and the 100-year floodplain, if any. If not in the floodplain, note this on the plan.

✓ Required Off-Street Parking and Calculations: 35 spaces shown (not 40).

(Over)


CONCEPT PLAN COMMENTS

PROJECT NAME: Arden Courts Towson

CPC DATE: 9/8/97

PAGE 2

- X Special Use Requirements: Certain types of uses are required to show compliance on the plat with the applicable zoning regulations. Such uses include elderly housing (Section 432, BCZR), and all residential transition area requirements (Section 1B01.1.B.1, BCZR). Show any RTA arcs.
- X Show parking aisle widths and give typical parking space dimensions (8-1/2' x 18').
- X Paving: Type and extent.
Design Standards, Screening and Landscaping: Must be provided in accordance with the landscape manual and all other manuals adopted pursuant to Section 26-283 of the Baltimore County Code. (See Section 409.8.A, BCZR.) Contact Avery Harden at 410-887-3751.
- ✓ Curbing: Or anchored wheel stops must be labeled.
- X Lighting: Add note: "Any fixture used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjacent residential site and public streets". Indicate placement, height, and direction on the plat. Light standards should be protected by curbing or landscaping. If no lighting, state so.
- X Note: Entrances on State roads are subject to the approval of the State Highway Administration. (Contact Larry Gredlein, Bureau of Access Permits, at 410-545-5600.)
- OK Loading Area: Loading spaces may not impede normal vehicle circulation or block any other required spaces.
- X Note handicapped parking spaces shall be provided in accordance with the Maryland Building Code for the Handicapped, contained in the Code of Maryland Regulations 05.01.07.


JOHN J. SULLIVAN, JR.
Planner II
Zoning Review

JJS:scj

BALTIMORE COUNTY, MARYLAND

SUBJECT: DEVELOPMENT PLAN COMMENT

DPC DATE: 11/25/98
9:00 a.m., Room 123

FROM: PDM - ZONING REVIEW

HOH DATE: 12/22/98
2:00 p.m., Rm. 407 CCB

PROJECT NAME: **Arden Courts**

PLAN DATE: 6/1/98

LOCATION: E/S Bellona Avenue, 800' +/- N of Joppa Road

DISTRICT: 9c4

PROPOSAL: 60-Bed Assisted Living Facility

ZONING: D.R.-2/D.R.-3.5

On Wednesday morning, November 18, Mr. John Lewis of this office met with Benjamin Bronstein, Esquire, and his engineer, Fred Thompson, to discuss a revised site plan for this property. Mr. Lewis advised them to make sure that the revised plans to be submitted for the HOH and zoning hearings matched.


Until such time that revised plans are submitted, the following additional zoning hearing(s) or actions or corrections are required:

1. The name of the signature for the owner (Baltimore County) is not accompanied by a typed name or title on the petition form.
2. The density calculations may not be calculated to support density across the D.R.-2/D.R.-3.5 zone line per Section 1B01.2.A., Baltimore County Zoning Regulations (BCZR).
3. A density increase request must state the zoning density increase up to D.R.-16. You must request the density increase special exception. The increase in permitted density requires a special exception per Section 432.B. (BCZR) and also an institutional or historic building on site to request said special exception; clarify that there is an existing institutional building on site.
4. Show front building orientations and put the non-residential principal building charts for D.R.-2/D.R.-3.5 on the plan.
5. The total building width is over 300 feet. Therefore, a variance is required along with a favorable recommendation from the Director of Planning per the Zoning Policy Manual residential standards (page 29) and Section 504, BCZR.
6. The note stating that RTA issues are shown correctly on the plan is not correct. Any single or 2-apartment dwelling or vacant lot of less than 2 acres within 150 feet of the tract boundary creates a 100-foot deep RTA transition line on site; structures or parking in this 100 feet must have 75-foot setbacks and 50-foot buffers clearly shown and labeled. This includes along the Bellona Avenue right-of-way. Show all buffer and setback dimensions (where less than required).
7. Provide accurate gross and net area calculations in compliance with the following: net area = the entire overall tract/ownership area (excluding any existing public street right-of-ways; gross area = the net area plus 1/2 of the tract boundary street right-of-way that the property is not denied access to, up to a maximum of 30 feet (see Zoning Policy RSD-3).

Use the gross area in the density calculation, clearly indicating the source of the additional calculated area over and above the net area.

Note on the plan under the density calculation: "This property as shown on the plan has been held intact since 1971. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings". If any adjacently owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly.

8. Staff has reviewed the sign legislation concerning application to ALFs and has determined that since a special exception is required for the use, that it is considered institutional and may have a free-standing identification sign of 25 square feet, 6 feet high with illumination per Section 450.4.6, BCZR. The requested 1-foot variance does not, therefore, apply.
9. Due to the detailed nature of this review and the required multiple revisions, provide a copy of these comments with a revised red-lined plan showing all changes as required with any revision plans submitted.
10. Add building dimensions.


JOHN J. SULLIVAN, JR.
Planner II
Zoning Review

JJS:scj

c: John L. Lewis, Planner II

BALTIMORE COUNTY, MARYLAND

SUBJECT: HEARING OFFICER'S HEARING PLAN COMMENT HOH DATE: 12/22/98
FROM: PDM - ZONING REVIEW *John Lewis* 2:00 p.m., Rm. 407 CCB

PROJECT NAME: **Arden Courts** PLAN DATE: 11/30/98
LOCATION: E/S Bellona Avenue, 800' +/- N of Joppa Road DISTRICT: 9c4
PROPOSAL: 60-Bed Assisted Living Facility ZONING: D.R.-2/D.R.-3.5

Final zoning approval is contingent first upon all plan comments being addressed on the HOH and petition plans; and secondly, upon the final resolution of all comments, the outcome of any requested zoning hearings.

As per my November 18, 1998 meeting with Ben Bronstein and my November 25, 1998 DPC comments, the following comments will apply to the latest revised site plans (dated November 30, 1998):

1. Prior Comment #3: *"A density increase request must state the zoning density increase up to D.R.-16. You must request the density increase special exception. The increase in permitted density requires a special exception per Section 432.B. (BCZR) and also an institutional or historic building on site to request said special exception; clarify that there is an existing institutional building on site."* Compliance with Section 432.3.A.2. BCZR (density increase) or no existing institutional use will be continued must be stated on the plan. *WKS*
2. Prior Comment #5: *"The total building width is over 300 feet. Therefore, a variance is required along with a favorable recommendation from the Director of Planning per the Zoning Policy Manual residential standards (page 29) and Section 504, BCZR."* This is not shown on the plan. Also, dimension and show building length within the RTA as referenced in the variance. Reference the zoning variances and special exception as listed on the petition forms on the site plans (i.e., 306-foot length variance is missing from the plan).
3. Prior Comment #6: *"The note stating that RTA issues are shown correctly on the plan is not correct. Any single or 2-apartment dwelling or vacant lot of less than 2 acres within 150 feet of the tract boundary creates a 100-foot deep RTA transition line on site; structures or parking in this 100 feet must have 75-foot setbacks and 50-foot buffers clearly shown and labeled. This includes along the Bellona Avenue right-of-way. Show all buffer and setback dimensions (where less than required)."* Still incorrect. The dwellings across Bellona Avenue within 150 feet of this property line must be labeled as dwellings and shown with 150-foot dimensions or less from this site boundary. The RTA buffer requirement along Bellona Avenue is not shown on the site plan and also the RTA buffer and setbacks for the parking area, which are not shown in the D.R.-3.5 zone.
4. Prior Comment #7: *"Note on the plan under the density calculation: 'This property as shown on the plan has been held intact since 1971. The developer's engineer has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings.' If any adjacently owned property has been subdivided after this date, show this area as part of the overall tract boundary and adjust density calculations accordingly."* This was not done.

for JOHN L. LEWIS, PLANNER II, ZONING REVIEW

John - Told Ben Beaudin
contact you on 12/30/97
BALTIMORE COUNTY, MARYLAND

Hold C.H. until MTG
w/ Rustin Richardson
CPC DATE: 12/29/97
10:00 a.m., Room 123

SUBJECT: 2nd CONCEPT PLAN COMMENTS

FROM: PDM - ZONING REVIEW

PROJECT NAME: Arden Courts Towson

PLAN DATE: 11/14/97

LOCATION: E/S Bellona Avenue, 800' +/- N of Joppa Road

DISTRICT: 9c4

PROPOSAL: 27,250-square foot, 60-bed
Assisted Living Facility

ZONING: D.R.-2 &
D.R.-3.5

The following information must be shown on the site plan:

Plat B.B. AS said it was OK to variance in view of spot zone (Not in writing - AS out of country told him may need confirmation from AS)
Zoning Hearings: A special exception is required. The case number(s), date of the order(s), what was granted or denied, and any restrictions must be listed and addressed on the plan.

AS The required minimum site area cannot be variances. Have site acreage cannot accommodate 60 residents. Give variance case number, etc. for setback deficiency. Per Section 101, Assisted Living Facility definition, density is calculated at 0.25 for each bed (for over 15 residents). Since the existing building is to be razed, a variance is needed to allow parking in the front yard and for the length of the proposed building.

Location: Add street address when acquired and distance from property corner to nearest intersecting public street centerline.

Add building dimensions.

check parking # ^{to} provided ³⁰ vs what on plan

Signs: All existing and proposed, location, height, square footage, illumination, setback from ...?

Special Use Requirements: Certain types of uses are required to show compliance on the plat with the applicable zoning regulations. Such uses include elderly housing (Section 432, BCZR), and all residential transition area requirements (Section 1B01.1.B.1, BCZR). Detail any RTA.

Paving: Type and extent.

Lighting: Add note: "Any fixture used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjacent residential site and public streets". Indicate placement, height, and direction on the plat. Light standards should be protected by curbing or landscaping. If no lighting, state so.

Note: Entrances on State roads are subject to the approval of the State Highway Administration. (Contact Larry Gredlein, Bureau of Access Permits, at 410-545-5600.)

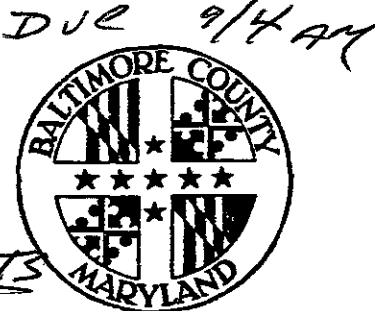
Note that handicapped parking spaces shall be provided in accordance with the Maryland Building Code for the Handicapped, contained in the Code of Maryland Regulations 05.01.07.

per SHA comments dated 12-22-97

Not State Rd at this point

John J. Sullivan, Jr.
JOHN J. SULLIVAN, JR.
Planner II, Zoning Review

Zoning Review
Department of Permits and Development Management
111 West Chesapeake Avenue
Room 111
Towson, MD 21204
Telephone: (410) 887-3391



CPC. ARDEN COURTS
TOWSON

ZONING CHECKLIST

Revised 1/16/97

This checklist shall serve as a guide in preparing site plans for building permits so that an application may be processed in the most efficient manner. Ten (10) copies of the site plan must accompany an application for a building permit. TO AVOID TIME-CONSUMING AND COSTLY DELAYS AT THE TIME OF APPLICATION AND DURING PERMIT PROCESSING, ALL INFORMATION MUST BE INCORPORATED ON THE PLAN, DRAWN TO SCALE, AND BE CLEARLY LEGIBLE.

① ☒ ~~NORTH ARROW, ELECTION DISTRICT, COUNTY COUNCIL DISTRICT, TITLE PLAN, PLAN TO~~
~~PERMIT, AND THE DATE.~~

② ☐ SCALE OF DRAWING: 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', or 1" = 60'. If acreage exceeds 40 acres, use 1" = 100' scale.

③ ☐ OUTLINE OF PROPERTY: Indicated by a heavy bold line and bearings, distances, and gross and net area (acres and square feet) of parcel(s).

④ ☒ VICINITY MAP: A vicinity map must be included on all site plans with the scales of 1" = 200', 1" = 500', or 1" = 1,000' ~~WITH THIS SITE CLEARLY AND ACCURATELY OUTLINED.~~

⑤ ☐ PREVIOUS COMMERCIAL PERMIT: Number(s) of work on the same property and the approximate date of the last improvement listed on the plan or if very old, age of building and parking spaces.

⑥ ☒ ZONING HEARINGS, ~~CRG, DRG, WAIVERS~~ The case number(s), date of the order(s), what was granted or denied, and any restrictions must be listed and addressed on the plan. ~~any CRG, DRG, or waiver approval dates and file numbers and dates on the plan, along with the~~ ~~long printed. Also any authorized changes in a previously approved plan should be completely~~

However, if the required minimum site area cannot be Varianced, Site Areaage cannot accommodate 60 residents, Give Variance can no longer setback deficiency.

density is calculated

at 0.25 for each bed

NON-RESIDENTIAL PROPERTIES BUILDING PERMIT APPLICATIONS

over 15 residents

17. ZONING: Zone districts of the property and adjacent property must be shown on the plan. Copies of the official 1" = 200' zoning map may be obtained from PDM, room 111, County Office Building. Include the map number in the plan notes.

8. OWNERSHIP: Of parcel(s) and relation of parcel(s) to adjacent property including tax account number (10 digits), deed reference numbers, lot numbers, and subdivision name.

9. LOCATION: ^{Address when acquired} Street address and name of adjoining street(s) and distance from property corner to the nearest intersecting public street centerline. ~~(Check record plat, State tax maps, or utility maps in room 206, County Office Building.)~~

10. STREETS, ~~RIGHT-OF-WAY~~ EASEMENTS: ^{show dimensions using} Include all existing public boundary streets with the existing right-of-way width and paving width. ALSO INCLUDE ANY RIGHT-OF-WAY WIDENING REQUIRED, EITHER BY BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS OR THE STATE OF MARYLAND. Include any existing or proposed easements or rights-of-ways and indicate public or private. (For Baltimore County roads, room 200 and room 206, County Office Building; State Highways phone number 545-5600.)

11. USES, BUILDINGS: Existing location and proposed use of all buildings (or additions) ~~and~~ property, show building locations and uses on adjacent properties. Note height and number of stories.

12. DIMENSIONS, ~~SETBACKS~~ ^{Bldg. X} Dimensions of buildings and setbacks from property lines, include all ~~setbacks between buildings.~~

13. STREET SETBACKS: And use of all permanent commercial buildings within 100 feet of each side property line to establish average street setback. (See Section 303.2, BCZR, and Policy S-2.B.)

14. ENTRANCES: ^{30'} Location and width of existing and/or proposed entrances (traffic chann~~el~~ ^{ization}) and their relation to entrances on adjacent properties and properties across the street. Indicate method - curbing, R/R ties. (For County requirements, Developers Engineering at 887-3751 or State Highways at 545-5600.) ~~add variance into~~

15. SIGNS: All existing and proposed, location, height, square footage, illumination, setback from existing or proposed right-of-way, and note if single or double-faced. SHOW ELEVATION DRAWING(S) TO SCALE, IF FREE-STANDING. Show placement of sign on the building wall, if wall-mounted, and dimension/length of the wall. ~~add variance into~~

16. UTILITIES: Show location and size of public utilities and the right-of-way both adjacent to and on-site. In the event that no public water or sewer exist, the means for providing proper well and septic system must be indicated. (Public utilities, room 206, County Office Building.)

17. FEATURES: Location of streams, storm water management systems, drainage, and pipe systems on or within 50 feet of the property and the 100-year floodplain, if any. If not in the floodplain, note this on the plan.

18. FLOOR AREA RATIO (FAR) CALCULATIONS: The floor area ratio is the total gross floor area of all the floor areas of all the buildings on a site, divided by the gross site area. The gross site area includes up to one-half of the boundary streets to which the property has right of access, up to a maximum of 30 feet.

19.

AMENITY OPEN SPACE (AOS): Location and square foot calculations in the following zones: R.A.E.-1, R.A.E.-2, R.O., OR-1, OR-2, O.T., S-E, B.L.-C.C.C., B.L.-C.T., B.M.-C.C.C., B.M.-C.T., B.R.-C.C.C., and B.R.-C.T. The qualifying AOS areas within the net lot area must be shaded and separate areas subtotaled in square feet on the plan print and included in the AOS calculations in the notes.

OK
20.*1STORY*

HEIGHT DETERMINATION: Tent must be included for buildings above 40 feet (see Section 231, BCZR). Where a building height determination is required and Section 231 does not apply, use Zoning Policy RM-6 and show a scaled detailed drawing on the plan.

21.

FIRE HYDRANTS: Location of fire hydrants and distance to the property.

22.

SITE PLANS: Must be trimmed to a neat 8-1/2" x 11" or, where larger prints are necessary, they shall be folded to that size with the title block showing. THEY MUST BE LEGIBLE. IN NO CASE MAY A PLAT BE LARGER THAN 24" X 36". IT MAY BE NECESSARY FOR THE PLAT TO BE PRODUCED IN SECTIONS TO MEET THIS REQUIREMENT.

23.

35 spaces shown (not 40)
REQUIRED OFF-STREET PARKING AND CALCULATIONS: ~~Must be included on the site plan for all uses on the property pursuant to Section 409, BCZR, and the attached "GENERAL REQUIREMENTS", "CALCULATIONS", "PARKING PATTERNS", and "SAMPLE SITE PLAN".~~

24.

SPECIAL USE REQUIREMENTS: Certain types of uses are required to show compliance on the plat with the applicable zoning regulations. Such uses include, ~~but are not necessarily limited to, the following: farm and agricultural operations (Section 404, BCZR); waterfront construction and facilities (Section 417, BCZR); car wash (Sections 419 and 409.10, BCZR); amusement devices (Sections 422 and 423, BCZR); child care (Section 424, BCZR); elderly housing (Section 432, BCZR); truck terminals (Section 410, BCZR); service stations (Section 405, BCZR); damaged or disabled vehicles and parts (Section 405.A, BCZR); uses requiring automotive stacking such as banks, drive-through restaurants, etc. (Section 409.10, BCZR); business industrial parking in a residential zone (Section 409.8.B, BCZR); all residential transition area requirements (Section 1B01.1.B.1, BCZR). The petitioner is responsible for determining if information of this nature is required on the plan and for its accurate inclusion.~~ *Show any RTA arcs.*

25.

ZERO SETBACK BUILDINGS: Must meet building code, as well as fire code requirements, with regard to type of construction, windows, etc.

26.

FEES: Contact Development Management, room 123, County Office Building (887-3335) for verification that all required development and review fees have been paid.

27.

Show parking aisle widths + give typical parking space dimensions (8 1/2' x 18').

REQUIRED NUMBER OF PARKING SPACES

General Requirements: The standards set forth below shall apply in all zones unless otherwise noted. Where the required number of off-street parking spaces is not set forth for a particular type of use, the zoning commissioner shall determine the basis of the number of spaces to be provided. When the number of spaces calculated in accordance with this subsection results in a number containing a fraction, the required number of spaces shall be the next highest whole number.

ASSISTED LIVING FACILITIES (see definition)	1 per 3 beds
ASSISTED LIVING FACILITIES CONTAINED WITHIN A CONTINUING CARE FACILITY	1 per 2 beds
ATHLETIC CLUB, HEALTH SPA	10 per 1,000 square feet of gross floor area, excluding the playing court area which will be counted as 3 per court
AUTOMOTIVE SERVICE STATION	See Section 405, BCZR
BOWLING ALLEY	4 per lane
CAR WASH	See Section 419, BCZR
CHURCH, RELIGIOUS ASSEMBLY, THEATRE, AUDITORIUM, ARENA, STADIUM	1 per 4 seats
COMMERCIAL OR OFFICE USES CONTAINED WITHIN AN ELDERLY HOUSING FACILITY (in R.A.E. and all business and industrial zones)	all separate parking requirements of the zone and the separate uses must be met
CONTINUING CARE FACILITIES (see definition)	1 per dwelling unit and assisted living and convalescent or nursing sections by separate requirements
DORMITORY	1 per 4 beds
ELDERLY HOUSING (Class 'A' - constructed under a Federal or State Housing or Tax Act)	1 per each 1-1/2 dwelling units
ELDERLY HOUSING (Class 'B' - <u>not</u> constructed under a Federal or State Housing or Tax Act)	1 per each dwelling unit
FRATERNITY OR SORORITY HOUSE	1 per 2 beds

FUNERAL HOME, MORTURARY	10 per 1,000 square feet of gross floor area for use by the public, plus 1 per 2 employees, plus 1 for each vehicle used in the business
FURNITURE OR CARPET STORE, RESEARCH AND LABORATORY USES	2.5 per 1,000 square feet of gross floor area
GOLF COURSE	8 per hole
GOLF DRIVING RANGE, MINIATURE GOLF COURSE	1.5 per tee
GROUP CHILD CARE CENTER OR NURSERY SCHOOL	1 per employee on the largest shift with a minimum of 2
HISTORIC BUILDINGS within a C.T. or B.L.-C.C.C. zoned district adapted for re-use for retail office, restaurant, night club, or tavern, tourist home, rooming or boarding house	none required provided that they are on the National Register of Historic Districts and are contributing to the historic character of the area
HOSPITAL	1.5 per bed with requirements for separate standing facilities
HOTEL, MOTEL, TOURIST HOME, ROOMING OR BOARDING HOUSE	1 per guest room or suite
MANUFACTURING, WAREHOUSE	1 per employee on the largest shift
MARINA, BOAT YARD	0.5 per slip or space in a dry land storage facility
MEDICAL OFFICE OR CLINIC	4.5 per 1,000 square feet of gross floor area
NURSING HOME	1 per 3 beds
OFFICE - GENERAL, BANK, PERSONAL SERVICE ESTABLISHMENT OR NON-RETAIL COMMERCIAL BUILDINGS	3.3 per 1,000 square feet of gross floor area
POOL HALL, ARCADE	4 per 1,000 square feet of gross floor area
RESTAURANT (Carry-Out Only, No Seating)	5 per 1,000 square feet of gross floor area
RESTAURANT (Fast Food and Standard, With Seating)	16 per 1,000 square feet of gross floor area including outdoor seating (with a minimum of 10 in all cases). Add note: Does not have a Class "D" liquor license.
RESTAURANT (Fast Food, Drive-Thru Only)	14 per 1,000 square feet of gross floor area (minimum of 10 in all cases); also any outdoor seating areas at 16/1,000

RETAIL - GENERAL, BEAUTY, BARBER
SHOP, SKATING RINK

5 per 1,000 square feet of gross floor area

SERVICE GARAGE, OTHER NON-RETAIL
COMMERCIAL USES

3.3 per 1,000 square feet of gross floor area
(including bays)

SCHOOLS (All)

1 per employee, plus visitor and student
parking as determined by the zoning
commissioner

SHOPPING CENTER
(less than 100,000 square feet of gross leasable area)

Calculated by tenant use. If sales are
anticipated in the public or open concourse
area, this area must also be counted.

SHOPPING CENTER
(100,000 square feet or more)

5 per 1,000 square feet of gross leasable area,
no additional for restaurants but theatre is 1 per
4 seats. If sales are anticipated in the public or
open concourse area, this area must also be
counted.

SWIMMING POOLS (Community)

1 per each 7 people permitted in the pool at one
time by the Health Department

SWIMMING POOLS (Commercial)

1 per each 4 people permitted in the pool at one
time by the Health Department

TAVERN, NIGHT CLUB, CATERING, DANCE HALLS
(including dancing, eating, meeting halls, etc. by
private organizations)

20 per 1,000 square feet of gross floor area
(with a minimum of 10 in all cases)

IN THE C.T. DISTRICT OF TOWSON ONLY

OFFICE (General)

3.3 per 1,000 gross floor area for first floor and
2 per 1,000 for all other floors

RETAIL (General)

3 per 1,000 gross floor area

RESTAURANT, NIGHT CLUB, TAVERN

none required

OFF-STREET PARKING REQUIREMENTS

1.

~~PAVING (type and extent). STRIPING AND 10 FOOT SETBACK TO A STREET RIGHT OF WAY is required (8 feet if existing on 5/26/88 and documented) and must be clearly indicated on the plat and notes.~~

2.

~~DESIGN STANDARDS, SCREENING, AND LANDSCAPING~~ must be provided in accordance with the landscape manual and all other manuals adopted pursuant to Section 26-283 of the Baltimore County Code. (See Section 409.8.A, BCZR.) Contact Avery Harden at 887-3751.

3.

~~CURBING or anchored wheel stops must be provided around every parking lot. The curb or wheel stop must be set back appropriately so as not to allow any portion of a parked vehicle to interfere with the required landscaping and screening. If anchored wheel stops are used, a detail of the anchoring must be shown, neither can be located any closer than 10 feet to a street right-of-way.~~

4.

DEAD-END PARKING BAYS must be provided with a back-around or turn-around and traffic circulation must be clearly indicated by the use of arrows on the plat. (See Section 409.8.A.5, BCZR.)

5.

LIGHTING: Add note: "Any fixture used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjacent residential site and public streets." Indicate placement, height, and direction on the plat. Light standards should be protected by curbing or landscaping. If no lighting, state so. (~~See Section 409.8.A.8, BCZR.~~)

ENTRANCES on County roads for one-way traffic shall be 17 feet wide. Entrances on County roads for two-way traffic shall be not less than 24 feet nor more than 30 feet in width. Monumental entrances on County roads shall be provided with a minimum 2-foot wide median and the traffic lanes shall not be less than 17 feet nor more than 24 feet in width for the inbound lane and not less than 18 feet nor more than 36 feet wide for the outbound lane. Also, all entrances should be located at least 7-1/2 feet to a side property line. (Reference Developers Engineering, 887-3751.)

ENTRANCES on State roads are subject to the approval of the State Highway Administration. (Contact Larry Gredlein, Bureau of Access Permits at 545-5600.)

8.

DRIVE-THROUGH STACKING REQUIRED: BANK - 5 for first station, 2 for each additional station; RESTAURANT - 7 per station and 5 behind order board; CAR WASH - see Section 419, BCZR; OTHER USES - as determined by the zoning commissioner.

NOTE: (None of the above can include the space at the station.) The drive-through lane must be clearly marked by special striping or pavement markings, may not block parking spaces and may not cross the principal pedestrian access. The principal pedestrian access and the stacking spaces must be clearly shown on the plat, drawn to scale, and all requirements noted on the plat. (See Section 409.5, BCZR.)

9. COMPACT OR SMALL CAR SPACES: When more than 50 spaces are provided in office and industrial uses and parking structures for residential and lodging uses only. Space size 7.5 x 16 feet (angled) and 7.5 x 18 feet (parallel) are permitted up to 40% maximum of the required spaces. All dimensions, calculations, and typical spaces must be included on the plan. (See Section 409.5. BCZR.)

10. LOADING: ^{Area} ~~(in commercial or industrial areas) must be shown on the plat to accommodate the loading and unloading of materials consistent with the size and use of the building in addition to all other parking requirements. Loading spaces may not impede normal vehicle circulation or block any other required spaces.~~ ^{Keep}

11. HANDICAPPED: Parking spaces shall be provided in accordance with the Maryland Building Code for the Handicapped, contained in the Code of Maryland Regulations 05.01.07.

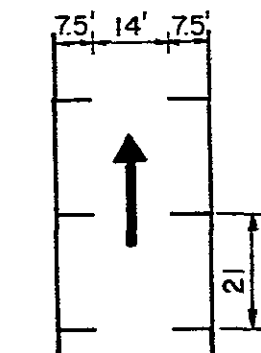
12. ADJUSTMENTS (allowed in office and industrial): TRANSIT - 5% reduction; RIDESHARING - 10% reduction; SHARED PARKING - see Section 409.6.B.3, BCZR.

13. BUSINESS OR INDUSTRIAL PARKING IN A RESIDENTIAL ZONE may be granted by the zoning commissioner after a 15 day posting procedure. If a request for a public hearing is filed within this time period, a Special Hearing is required (see Section 409.8.B, BCZR). NOTE: In the D.R. zone, within a residential transition area, all RTA requirements must be met (see Section 1B01.1.B.1, BCZR) or a variance must be granted.

SAMPLE PARKING LAYOUTS

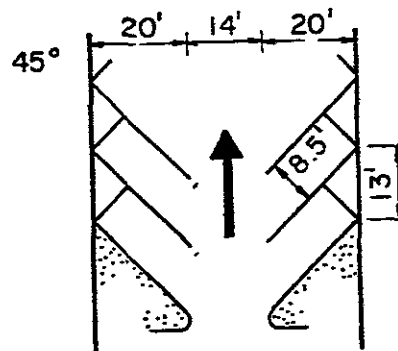
See Section 409.4.C, BCZR

NOT TO SCALE

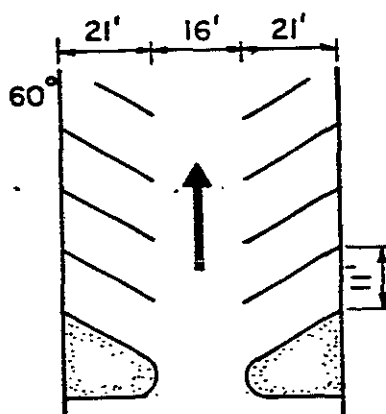


AISLE WIDTH
1 WAY - 14'
2 WAY - 20'

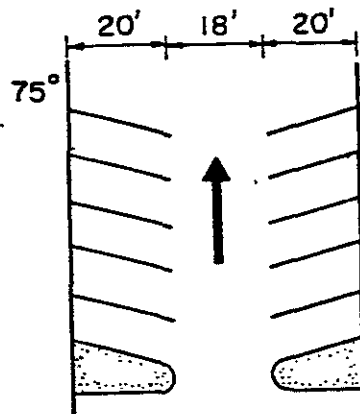
30°
NOT SHOWN
AISLE WIDTH
1 WAY - 14'
2 WAY - 20'



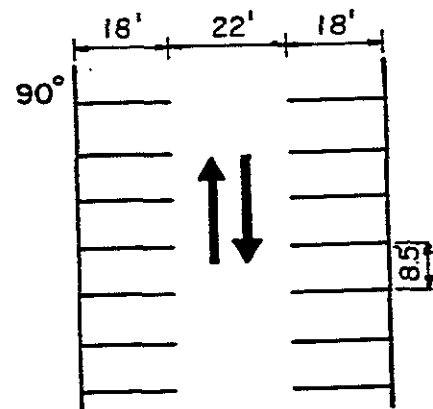
AISLE WIDTH
1 WAY - 14'
2 WAY - 20'



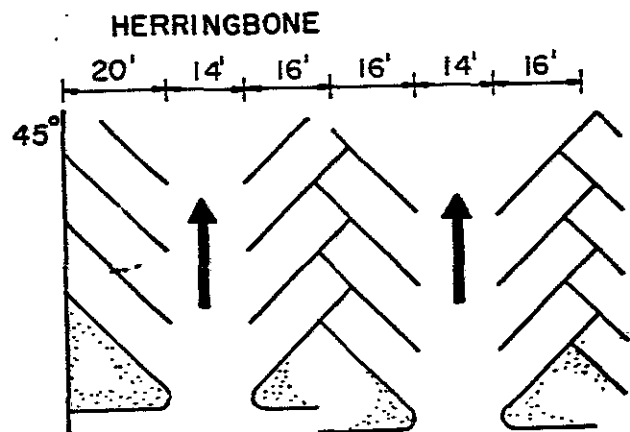
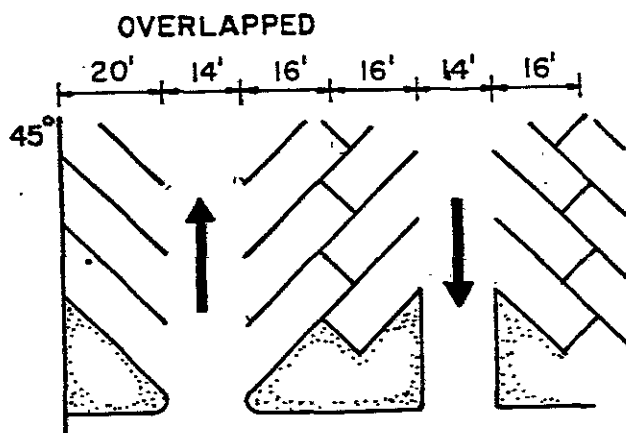
AISLE WIDTH
1 WAY - 16'
2 WAY - 20'



AISLE WIDTH
1 WAY - 18'
2 WAY - 20'



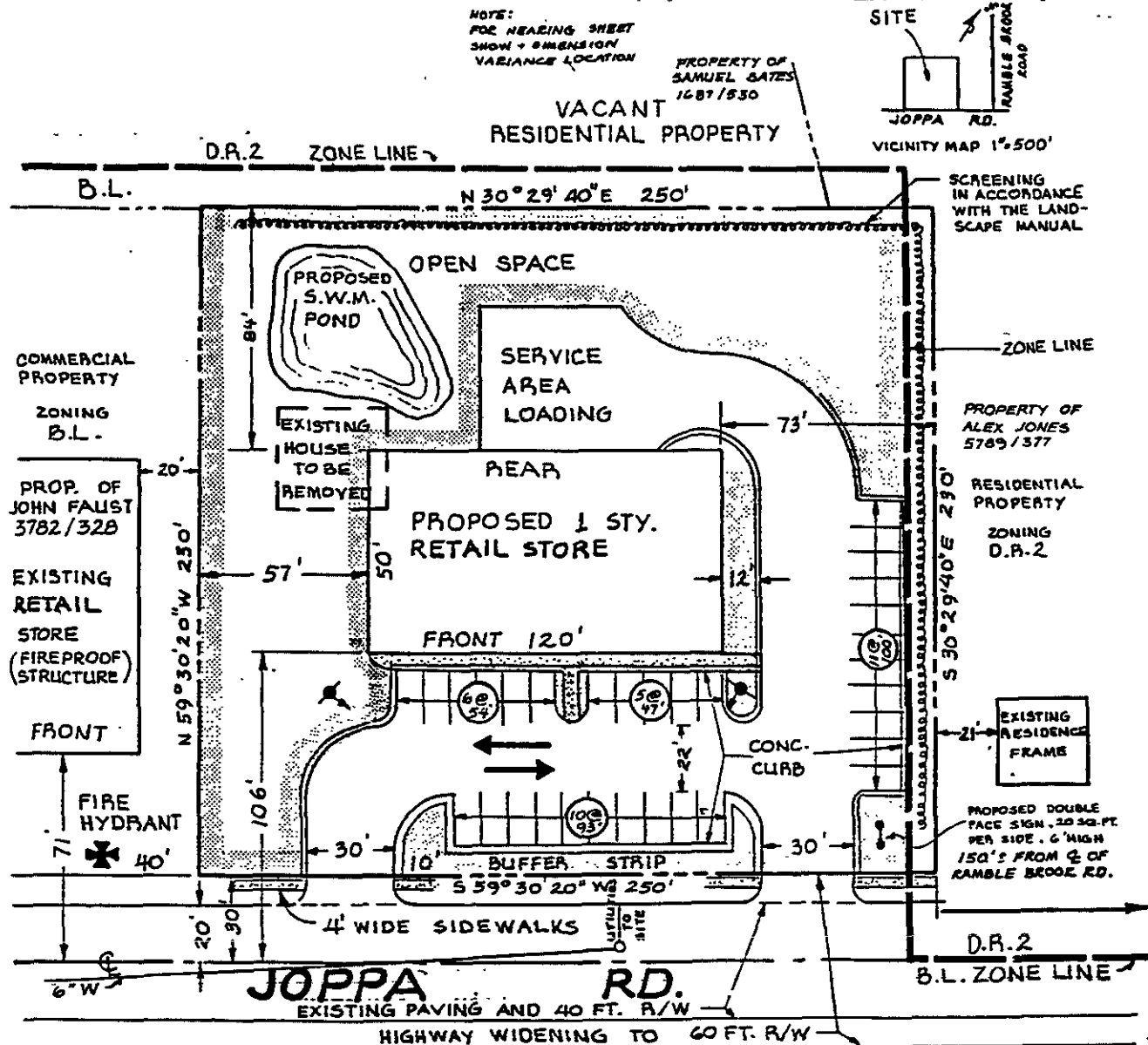
AISLE WIDTH
1 WAY - 22'
2 WAY - 22'



* ALL PARKING, MANEUVERING, ACCESS, AISLES ARE REQUIRED TO BE
PAVED AND STRIPED PER SECTION 409.8 (B.C.Z.R.)

SAMPLE PLAT

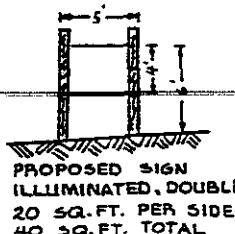
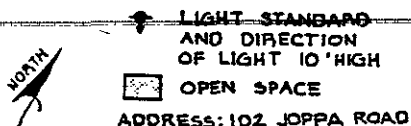
12 Copies Required



PROPERTY ZONED: BL AND D.R.2
14th ELECTION DISTRICT, 6th COUNCILMANIC DISTRICT
PROPERTY: 1.49 ACRES GROSS AREA
BL NET AREA = 1.29 AC.; DR 2 NET AREA = 0.026 AC.
BL GROSS AREA = 1.46 AC.; DR 2 GROSS AREA = 0.029 AC.
F.A.R. = 6,000 ÷ 63,700 = 0.095; F.A.R. ALLOWED = 3.0
A.O.S. = NONE REQUIRED
SCALE: 1" = 50'

PLAN TO ACCOMPANY BLDG. PERMIT
(OR IF PUBLIC HEARING NAME THE TYPE)

PARKING DATA
RETAIL USE
BLDG.: 6,000 SQ.FT.
5 SPACES FOR EACH 1,000 SQ.FT.
6.0 X 5 =
30 SPACES REQUIRED
32 SPACES SHOWN
TYPICAL SPACE: SIZE 8.5 X 18
PAVING TYPE: MACADAM
SPACES PERMANENTLY STRIPED
NO PRIOR ZONING HEARINGS ON SITE.
PREVIOUS COMMERCIAL PERMITS
C-126-89
CE CRG WAIVER # W-89-105
ALL STRUCTURES AND USES WITHIN
200' ARE SHOWN.



Case No. CBA-99-104 Development Plan - Arden Courts /PDM IX-681;
Manorcare Health Svcs, Inc. -Applicant /Developer;
Balto Co., et al -Owners
and 99-159-XA SE -ALF; RTA waivers and VAR -setbacks; lot size;
sign; and parking & delivery requirements

1/06/99 -Hearing Officer's Order (DZC) in which
subject plan was APPROVED; SE -APPROVED; and VAR -
GRANTED in part and DENIED in part /with
restrictions.

1/26/99 -Notice of Assignment sent to following parties; matter scheduled for
hearing on Wednesday, February 24, 1999 at 10:00 a.m.

J. Carroll Holzer, Esquire
Mr. & Mrs. Ernest Cooper
Benjamin Bronstein, Esquire
Manorcare Health Svcs, Inc.
Frederick J. Thompson /Gower Thompson, Inc.
William Gary Denhardt
Michael Sicher
Peggy Squitieri /Ruxton-Riderwood-Lake Roland Area Imp. Assn.
Office of People's Counsel
Pat Keller, Director /Planning
Lawrence E. Schmidt /Zoning Commissioner
Christine K. Rorke, Project Manager /PDM
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

2/01/99 -T/C from Ben Bronstein -- Unavailable date of appeal on date
hearing is scheduled -- he will be out of country during that period.

- Advised by CER that only with full agreement between parties could
the Board consider going outside of the mandated window for hearing --
with agreement that this issue would not and could not be raised on
appeal, should the case be taken to the court level.

- Ben to get back to us on this issue.

2/02/99 -Letter from B. Bronstein regarding the above request; indicating
that he has spoken with Sterling Leese; that Carroll Holzer has no
objection to this postponement request; and also indicating that both he
and Mr. Holzer agree that the case can be scheduled beginning the week
of March 15th (which would put it outside the 15-day window).

- T/C to Mr. Bronstein -- advised that only March 11th was available
at this time (or April 7th); he indicated he could be available for
3/11/99 (again indicating he is aware this is outside the window ending
March 7, 1999). T/C w/ S. Leese - Mr. Holzer will be available 3/11/99.

Both counsel advised that additional dates for hearing would have to be
arranged when the Board has convened and counsel are present due to
heavily scheduled docket.

- Notice of PP and Reassignment sent to parties; case reassigned to
Thursday, March 11, 1999 at 10:00 a.m. Letter also sent to Messrs.
Bronstein and Holzer indicating that this case has been assigned outside
the mandated 15-day window for hearing this case as agreed by counsel.

Page 2 /Arden Courts

Case No. CBA-99-104 Development Plan - Arden Courts /PDM IX-681;
Manorcare Health Svcs, Inc. -Applicant /Developer;
Balto Co., et al -Owners

and 99-159-XA SE -ALF; RTA waivers and VAR -setbacks; lot size;
sign; and parking & delivery requirements

3/08/99 -T/C from counsel; settlement being pursued; postponement to be
requested for 3/11/99 hearing pending final resolution and settlement.

3/09/99 -T/C from B. Bronstein indicating above and parties in working on
settlement of issues. Requests postponement of 3/11 hearing to allow
this to occur. Will have this request FAXed to CBA indicating no
objection to this postponement.

- Letter hand-delivered by S. Leese from C. Holzer; has no objection
to further postponement to allow for resolution and settlement.

-Notice of PP sent to parties indicating that postponement was by
agreement of counsel; to be reassigned for hearing if settlement is not
finalized.

5/12/99 -Letter from B. Bronstein forwarding to CBA Request for Dismissal
with Prejudice filed by J. Carroll Holzer, Esquire, Counsel for Mr. and
Mrs. Cooper, Appellants /Protestants. Order of Dismissal (with
prejudice) to be issued.

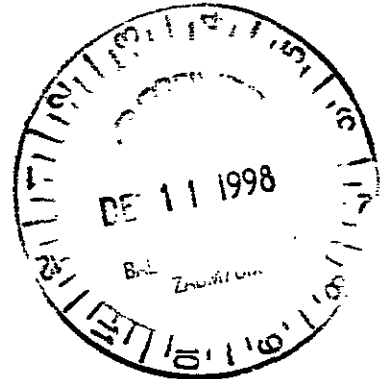
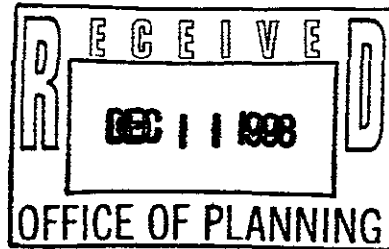


GOWER THOMPSON INC.
 CIVIL ENGINEERING - SURVEYING

December 9, 1998

Office of Planning
 Baltimore County, Maryland
 401 Bosley Avenue
 Towson, Maryland 21204

Attention: Pat Keller



Re: ManorCare, Arden Courts
 8101 Bellona Avenue
 Building Length

Dear Mr. Keller,

Please accept this submittal as our request to permit a modification of the Comprehensive Manual of Development and Development Regulations to allow a non-residential building, which exceeds 200 feet in length, in a D.R. zone. The proposed building is a one story early Alzheimer's assisted living facility, containing 64 beds, and will be developed by ManorCare Health Services. Except for minor modifications, this is the same prototype building recently opened on Reisterstown Road. The proposed building will have an overall length of approximately 306 feet.

We understand that, upon favorable recommendation by the Director of Planning and Zoning to the Hearing Officer, non-residential uses permitted in the density residential zones may be increased to this length subject to compliance with certain guidelines. We ask your support to allow the proposed facility to be designed length of 306 feet and offer the following in support of that request.

The site is located at 8101 Bellona Avenue and is made up by two existing parcels. The larger portion, Woodvale, owned by Baltimore County, was once a school and, more recently, a County Maintenance facility. The smaller lot includes a single family house which will be retained.

The adjacent neighborhood might best be described as a village. It contains a residential neighborhood bounded by Towson, the Beltway, the Jones Falls and actually extends southward to the Baltimore City line. It contains a charming mixture of homes with a smattering of small commercial centers. Certainly the predominance of buildings include middle and upper income houses on lots that vary from about 10,000 square feet to several acres. Immediately across the street, however, is a village center including a Post Office and several convenience stores. Six tenths of a mile to the north and east along Bellona Avenue is Ruxton Professional Center, a marked change in the residential neighborhood character as it enters the more intensified development of Towson. One half mile to the south is Grauls Market and the large commercial center that abuts it, but which does not overpower the residential character of the neighborhood. Similar commercial development also appears to the west along Joppa Road. Despite these several mentions of commercial development, there is no question that this is a proud residential community.

Following are responses to the five issues addressed in Section II-A of the CMDP, "Non-residential Principal Buildings in D.R. Zones:

Item 1. The materials are specified.

Response: The building has a residential appearance. The skin will be vinyl siding with sections of brick on the front elevation. The siding will be double 4.5 inch Dutch lap. There will be an accent band of vinyl trim in a complementary color. The roof will have Architectural grade asphalt shingles. Windows will be single hung aluminum. Some windows, as shown in the enclosed building elevations, will have vinyl shutters. There is also an Architectural treatment at the treatment around windows, soffits and overhangs, made with a vinyl covering.

Item 2. The buildings are segmented and architecturally varied to break up their massing.

Response: While there is a long main spine, the building is broken up by the introduction of a change in the alignment of the building with a corollary roof pitch change along the front and rear of the building. In addition, the front view includes one full story of brick at each of three locations and a front entrance which is clearly defined by horizontal and vertical element changes. The side elevations are narrow and broken by an interior courtyard. The roof line is sloped and broken up by the peaking of the wings at the entrance and two intermediary points.

Item 3. Landscaping is used to visually break up the massing of the facade.

Response: A schematic landscape plan is included. There will be an assortment of formal and informal plantings of trees and shrubs around the building to provide shading, color, and excitement. A significant amount of existing vegetation will be left on the important east side of the building to help screen the building from the adjacent neighborhood. The entrance from Bellona Avenue will be landscaped more formally with a variety of materials to create a welcoming look to the visitor and passerby.

Item 4. The Architectural details reflect regional residential elements.

Response: The building will be a home to the residents and will have the shape and materials of many homes within the region. In addition, the local community contains homes, offices and shops of a wide variety of materials, ages, and shapes. This building will blend with the variety of styles and forms of the neighboring community.

Item 5. Additional items to be provided.

Response: The site is unique. The primary site, originally a Baltimore County School and, later, a County Maintenance Building, has significant topographic change. A second small parcel presently contains a single family residence set closely to an intermittent stream and to Bellona Avenue. The building will be visible from the west, sitting 6 to 16 feet above Bellona Avenue, with a short sloped driveway. The building has been placed on the site to best meet the existing topography. This fits with the siting of the larger residential homes in the area which are also more controlled by topography than more typical subdivision layouts.

There will be an entrance sign to identify the project which follows the ManorCare standard and can be found throughout the country. Parking lots and entrance roads will be lit. This will provide a level of security to the neighborhood without offensive light spill into other properties. Lighting fixtures will be 175 watt with controlled focus of a residential characteristic.

The steeper sloped portion of the site will not be disturbed. This will allow for the retention of a significant portion of the existing woods. A vegetated buffer strip will be created near the existing adjacent stream on the south side of the site.

The site will be staffed 24 hours a day. Maintenance personnel will maintain the grounds. They will maintain the more formal portions of the site as well as ensure that the natural areas are free of trash and discarded materials normally found in vacant areas.

We will also address the eight Compatibility Objectives per Comprehensive Manual; of Development Policy.

Item 1. The arrangement and orientation of the proposed building and site improvements are patterned in a similar manner to those in the neighborhood.

Response: The surrounding neighborhood contains a variety of uses including older homes on relatively small lots, a newer subdivision of large randomly shaped lots and some commercial and office development. Buildings on the larger lots are controlled by the topography. Development on the subject site is also affected by topography. The site entrance is restricted by a limited site distance for southbound Bellona Avenue traffic and the building pad is controlled by the access point and the slope of the site. This is consistent with the existing residences in the neighborhood.

Item 2. The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood.

Response: The developed portion of the site has been proposed based on the topographic restrictions of the site. This is a redevelopment site in that it will convert a previous high Maintenance of a significant concentration of public use to a residence for 64 persons in need of Assisted Living. A significant landscape buffer, particularly on the east side will protect the environment and the neighborhood. The neighborhood is almost completely developed at this time. The parking lots is small and is limited to a simple double loaded bay along the entrance road and adjacent to a drop-off. It is higher than Bellona Avenue and will receive shielding from the topographic change and landscaping.

Item 3. The proposed streets are connected with the existing road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood.

Response: This item is not applicable to this project. The project is a single facility connected to the public road system with a private driveway. There is no advantage to extension of this driveway to an adjacent site because there is no comparable use or need for such a connection. The community representatives have specifically requested that no sidewalk be constructed along Bellona Avenue.

Item 4. The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems.

Response: There are no public open space requirements for this project. There is, however, a significant amount of open space within the parcel. This is compatible and an extension of existing conditions on the larger adjacent parcels; it is far more than is typical in the adjacent commercial area and in the smaller, older homes.

Item 5. Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design.

Response: The charm of the site is the topography and the wooded area on the east side. The woods are being maintained. The siting of the building and parking areas will create new, larger pads than presently exist and slopes adjacent to Bellona Avenue which will create a break in the topography existing buildings include an abandoned home site with minor outbuildings in disrepair. Siting of the building in the center portion of the site allows maintenance of the northern portion without interruption of the adjacent

neighborhood which will overlook the lower lying new building. The building will be placed on a mid-level plateau which will afford it a prominent vista in its view to the south. Existing land use to the south is unaffected due to the remaining undisturbed portion of the site and supported with the existing land uses which effectively allow a natural unbuilt environment.

Item 6. The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities.

Response: The primary existing landscape pattern of the surrounding neighborhood are hardwood deciduous trees in a natural environment. The lack of disturbance to a significant portion of the site will continue the major landscape pattern. New landscaping will also add color to the developed site and will help to screen the project from adjacent residences

Item 7. The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood.

Response: The project sign will be of material compatible with the building and neighborhood and of sufficient size to identify the project but small enough to not be outstanding. Site lighting will be noticeable dots of light with a wash on the road and parking lots without intrusion or overflow into the residential neighborhood. The scale of the project parking, and related lighting, will be less than the nearby commercial buildings. This is, in part, due to the reduced parking need and offset from the street.

Item 8. The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood.

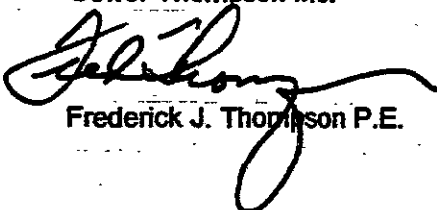
Response: There is no single neighborhood standard, rather there is a pleasant mixture of simple homes, older homes, modern design housing, a traditional retail complex. The proposed facility will be of compatible materials.

We trust that you will find this material to be satisfactory and that you will be able to support to request to permit a building in excess of 200 feet in length. We have previously submitted three copies of building elevations (one in color), a Schematic Landscape Plan, Development Plan and cross section of the proposed site. Supplemental building and other elevations, as requested, will be submitted separately in the near future.

Please call if there are any questions or if additional material is needed.

Sincerely,

Gower Thompson Inc.



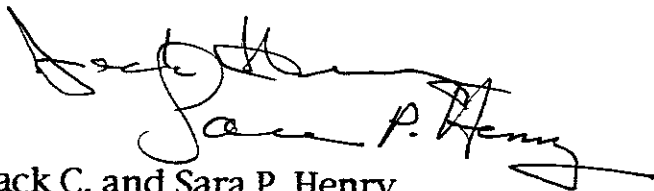
Frederick J. Thompson P.E.

February 17, 1998

Jack and Sara Henry appear before the community input meeting on February 17, 1998 as the residents of 8110 Bellona Avenue since 1974. We have attended all of the Ruxton-Riderwood-Lake Roland Improvement Association/Manor Care meetings and support virtually all of the RRLRIA recommendations and requirements. We do, however, wish to express the following feelings on the size of the building and the use of residential land for parking as proposed by Manor Care.

1. It is preposterous to allow the building "footprint" to be of the size sought.
2. The many variances are needed only because of the enormous size and shape being proposed.
3. Further, at a previous meeting with Manor Care, we asked their representatives if any adjoining properties would need to be purchased. The answer was no. Now they come before the community and propose to purchase an adjacent property to the south with the intention of demolishing the house and using the ground for parking. This should not be allowed.

Thank you for taking our thoughts and feelings into consideration.

A handwritten signature in black ink, appearing to read 'Jack C. and Sara P. Henry', with a stylized flourish at the end.

Jack C. and Sara P. Henry
(410)296-0773
(410)296-5244 (FAX)
hen8110@charm.net (E-Mail)

February 17, 1998

Re: Manor Care Proposal

We live on $3\frac{1}{3}$ acres of wooded land adjoining the old Redwood School property that Manor Care is planning to use for an assisted living facility. Manor Care is asking for an extreme variance with a parcel size of 3.9 acres for a 60 bed facility, when 10 acres is required in Section 432 of the BCZR. Manor Care has made no effort to acquire more land to decrease their density, although we have offered to sell them a portion of our lot at a reasonable price. This would decrease their density and show that Manor Care had attempted as much as possible to minimize their need for variance.

I further believe that a 27,000 sq ft building installed almost up to our property line will lower the value of our property and that our woodland setting is one of the things that make this

location attractive to Manor Cove.
Purchase of the land we are offering would
help form a better buffer zone and
allow for more extensive landscaping.

Ernest W. Cooper
3 Acorn Hill Lane
Baltimore, Md. 2122

File

Jan. 10, 1999

Dear Mr. Kotroco

Needless to say I am
disappointed in your finding
on the Boden Coerts project.
Since your decision had already
been made, making the contents
irrelevant, I would appreciate
your returning the material de-
livered to your office on Jan. 8th.
Thank you

Respectfully

Iika Cooper
(825-7937)

Mrs. S. W. Cooper
3 Acorn Hill Lane
Baltimore, Md. 21204

December 27, 1993
File

Mr. Timothy Ketevee
County Courts Building
Room 405
400 Foster Avenue
Towson, MD 21204

RE: Arden Courts Project

In your comments at the December 22nd hearing, you mentioned three forces: Harrow Care, the Coopers, and the County. If this project goes through as proposed, the County will get to sell its property Harrow Care will get its choice location through many exemptions (including the basic building lay-out) and the Coopers will be losers both aesthetically and financially. Section 432-B3 of the County Zoning Ordinance requires that:

"The development will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties and the general neighborhood."

In our case, both the economic value and development of our property will be adversely affected:

1. If Arden Courts is constructed, our property will indeed be less desirable, and the sales price will have to be lowered accordingly.

2., while our property currently has potential for sub-division (there being a right-of-way from the Landesman property to Bellona Avenue) very few prospective buyers would want a lot where access had to be past a 300 foot long building.

In 1989 we discussed with the Landesmans the possibility of acquiring part of this right-of-way, but plans were never finalized. A future buyer of our property would find it more attractive for sub-division with access to Bellona Avenue, but not if Arden Courts is built.

We are not a wealthy family, and have relied on the sale of our property to provide for our old age. To date we have paid almost \$50,000 in property taxes in the belief that the County would protect the conditions we thought we were buying. Manor Care has no right to destroy those conditions.

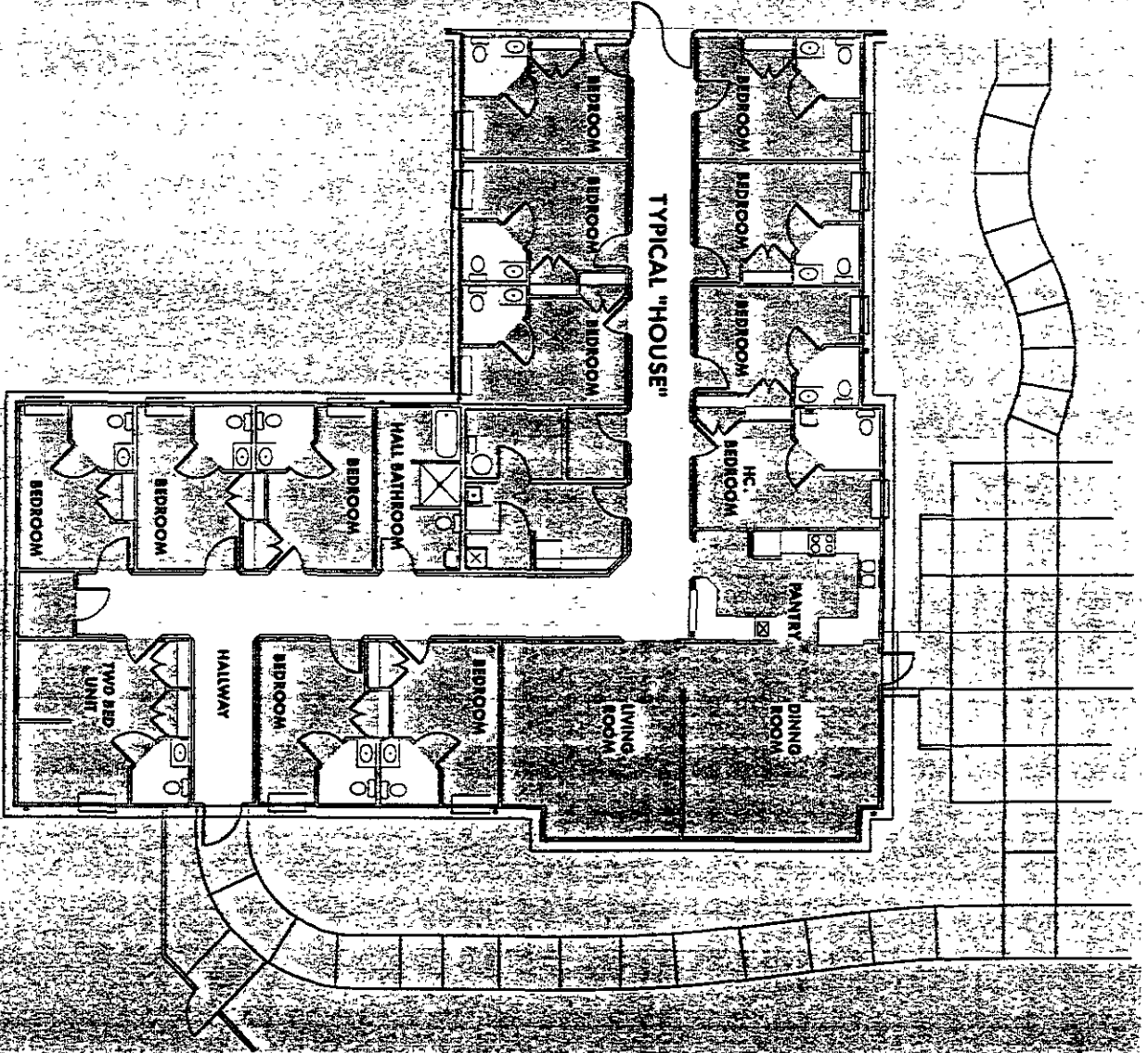
We think the project should be rejected unless Manor Care is willing to show good faith in reaching an equitable financial adjustment for the detriment to the economic value and development of our property.

Respectfully submitted,
Ernest W. Cooper
John L. Cooper

MR. & MRS. E. W. COOPER
3 ACORN HILL LANE
BALTIMORE, MD. 21204

cc: Benjamin Eisenstein

ENLARGED VIEW OF TYPICAL "HOUSE"



CITIZEN(S)
~~PROTESTANT~~(S) SIGN-IN SHEET

ADDRESS

11905 Long Green Pl 21057

PLEASE PRINT CLEARLY

BALTIMORE COUNTY REPRESENTATIVES
SIGN-IN SHEET

NAME

ADDRESS

Bob Bowling

PDM - Dev Plans Review

Gayle Parker

DEPRM

Rob Goodwin

PDM - LAND ACQUISITION

Lynn Lankham

Planning

Christine Burke

PDM - DEV MGMT

John R. Alexander

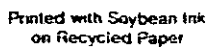
PDM - Dev. Control (Zoning)

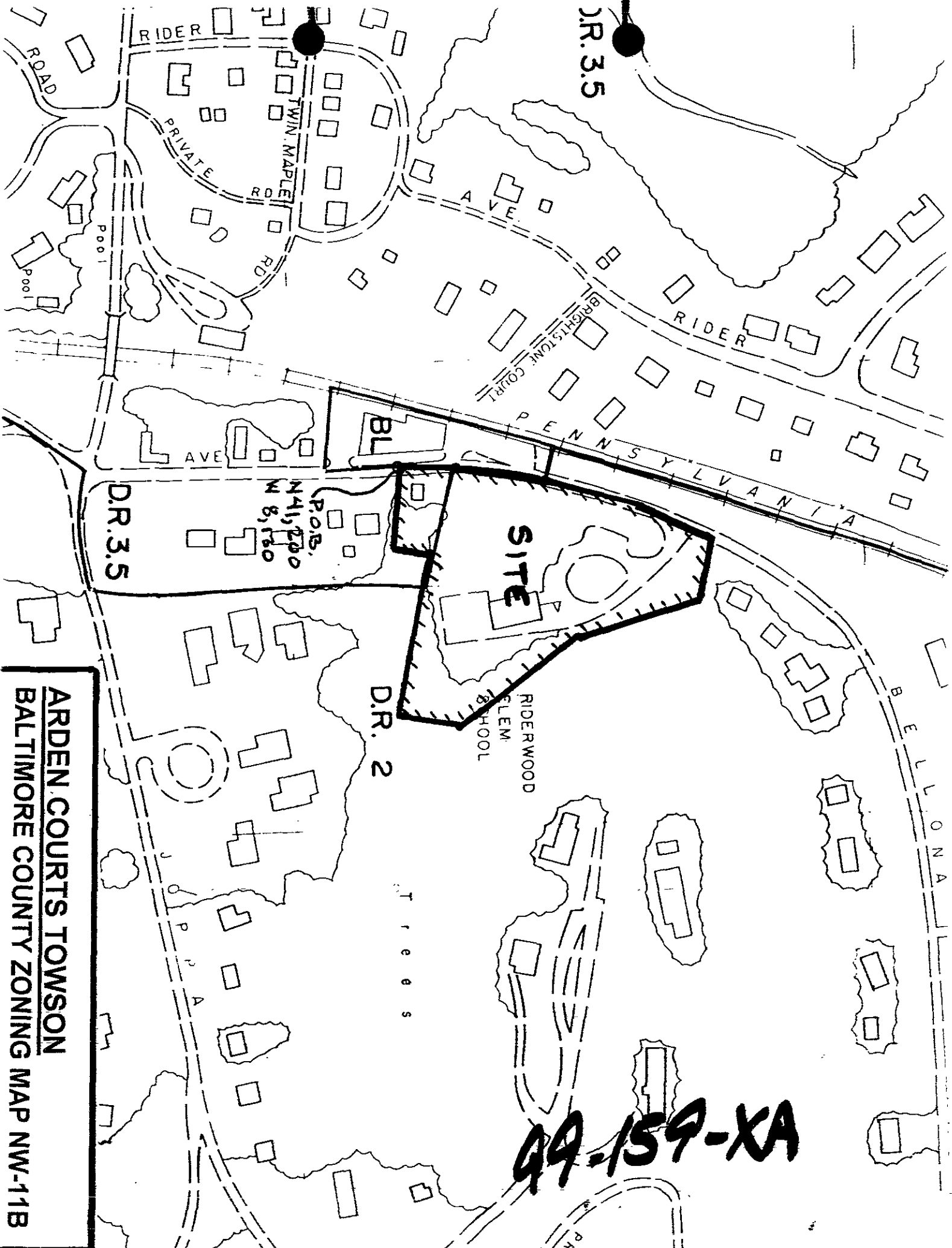
12/22/98

PETITIONER(S) SIGN-IN SHEET

ADDRESS

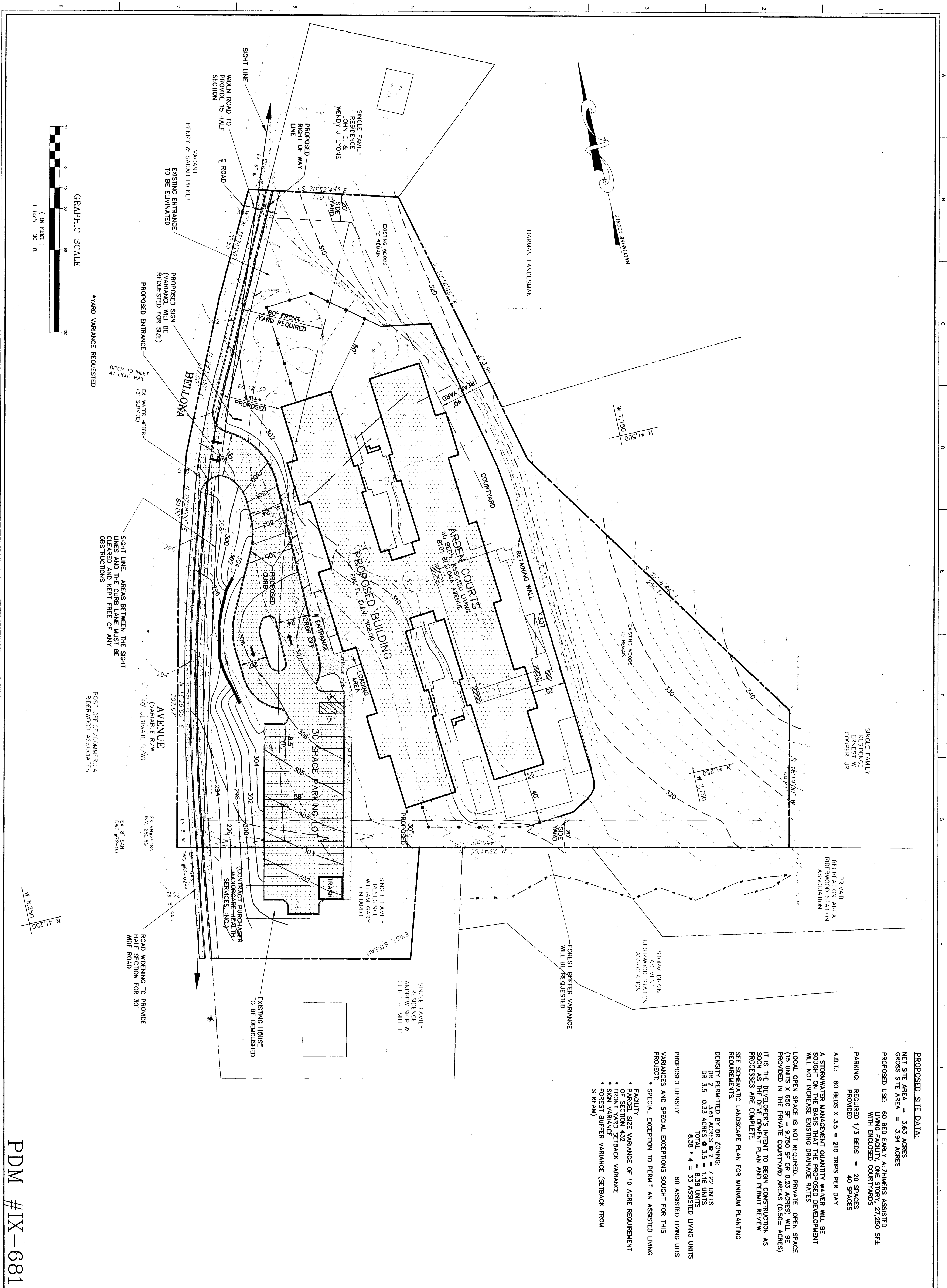
manor care 11555 Darnestown Rd



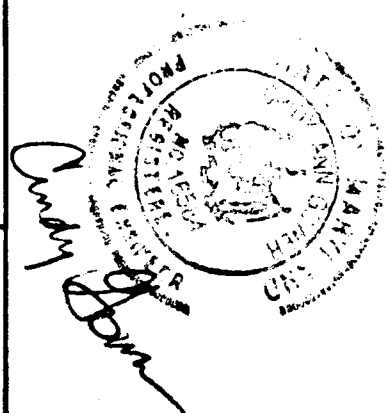


ARDEN COURTS TOWSON
BALTIMORE COUNTY ZONING MAP NW-11B

99-159-XA

[illegible]

GT
GOWER THOMPSON, INC.
CIVIL ENGINEERING - SITE PLANNING
429 E. Lake Avenue
Baltimore, Maryland 21212
Phone 410-532-0101
Fax 410-532-0104



ARDEN COURTS TOWSON
8101 BELLONA AVENUE
BALTIMORE COUNTY
MARYLAND

CONCEPT SITE PLAN

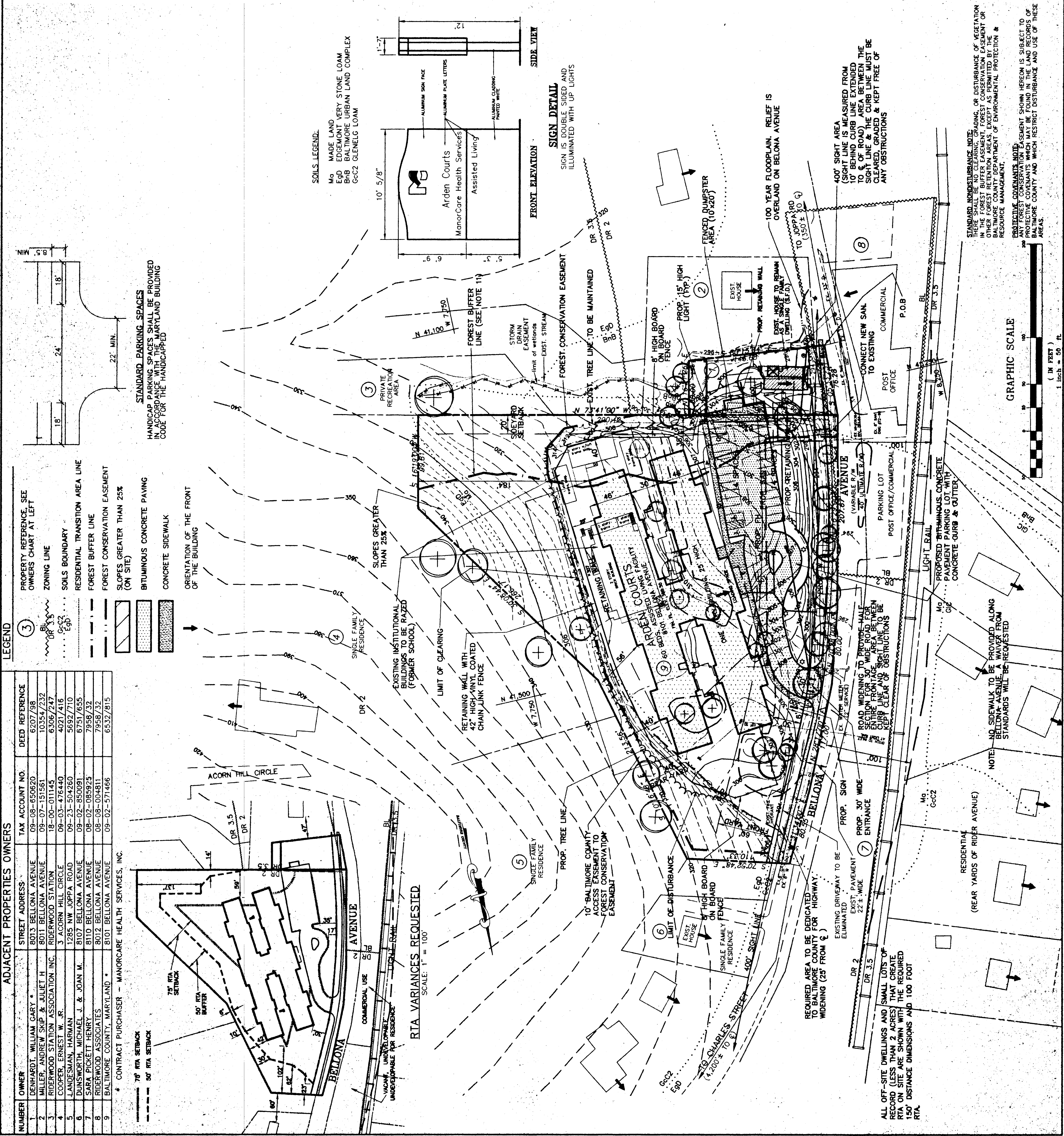
SHEET OF	DRAWING NO. C-2	DATE 11/14/97	PROJECT NO. 97051	PROJECT TITLE
		SHEET TITLE		

NUMBER	OWNER	STREET ADDRESS	TAX ACCOUNT NO.	DEED REFERENCE
1	DENHARDT, WILLIAM GARY	8013 BELLONA AVENUE	09-08-650620	6207/98
2	MILLER, ANDREW SKIP & JULIE H	8011 BELLONA AVENUE	09-07-151561	10354/232
3	RIDERWOOD STATION ASSOCIATION INC.	18-00-011145	6306/247	
4	COOPER, ERNEST W. JR.	3 ACORN HILL CIRCLE	09-03-076440	4021/416
5	LANDSMAN, HARMAN	1285 NW JORRA ROAD	09-23-504260	5692/710
6	DUNSMITH, MICHAEL J. & JOAN M.	8107 BELLONA AVENUE	09-02-850091	6751/655
7	SARA PICKETT HENRY	8102 BELLONA AVENUE	08-02-085925	7956/32
8	RIDERWOOD ASSOCIATES	8012 BELLONA AVENUE	08-08-004811	7956/32
9	BALTIMORE COUNTY, MARYLAND	8101 BELLONA AVENUE	09-02-571466	6532/815

* CONTRACT PURCHASER - MANORCARE HEALTH SERVICES, INC.

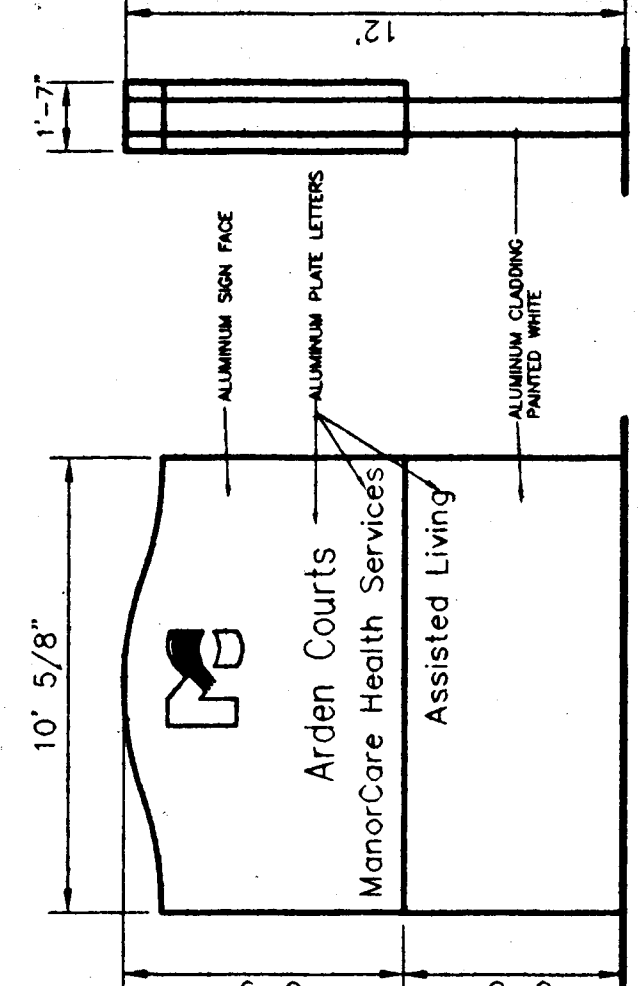
75' RTA SETBACK
50' RTA SETBACK

- LEGEND
- 3 PROPERTY REFERENCE, SEE OWNERS CHART AT LEFT
- ZONING LINE
- SOILS BOUNDARY
- RESIDENTIAL TRANSITION AREA LINE
- FOREST BUFFER LINE
- FOREST CONSERVATION EASEMENT
- SLOPES GREATER THAN 25% (ON SITE)
- BITUMINOUS CONCRETE PAVING
- CONCRETE SIDEWALK
- ORIENTATION OF THE FRONT OF THE BUILDING



SOILS LEGEND:

- MG MADE LAND VERY STONY LOAM
- BBB BALTIMORE URBAN LAND COMPLEX
- GC2 GLENELG LOAM



FRONT ELEVATION

SIDE VIEW

SIGN DETAIL

SIGN IS TO BE ILLUMINATED AND ILLUMINATED WITH UP LIGHTS

VICINITY MAP

SCALE: 1" = 1000'

OWNER: BALTIMORE COUNTY, MARYLAND (PARCEL 9) & CONCOMANIC DISTRICT 4

SEE ADJACENT PROPERTY OWNER CHART AT LEFT FOR ADDRESSES

CONTRACT PURCHASER/APPLICANT: MANORCARE HEALTH SERVICES, INC. (SEE ADJACENT PROPERTY OWNER CHART AT LEFT FOR ADDRESSES)

PLAN PREPARED BY: GOMER THOMPSON, INC. 425 EAST LIME AVENUE 21312 ATTN: ROBERT BORGIS (301-979-5022)

PROJECT DATA

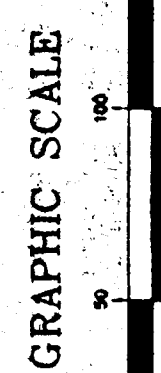
1. GENIUS TRACT: 490502
2. WATERSHED: 24
3. SUBWATERSHED: 56
4. NET SITE AREA = 3.54 ACRES
5. GROSS SITE AREA = 3.94 ACRES
6. PROPOSED USE: 60 BED EARLY ALZHEIMER ASSISTED LIVING FACILITY WITH 150' SETBACK FROM EXISTING COURTYARDS
7. RETAIN EXISTING SINGLE FAMILY DWELING
8. PAVING: REQUIRED = 1/2 BEDS x 60 BEDS = 20 SPACES
9. 2 PER S.F.D. 2 SPACES
10. PROVIDED TOTAL = 22 SPACES
11. A.D.T.: (60 BEDS x 3.5) + (1 x 10.5) = 221 TRIPS PER DAY
12. LOCAL OPEN SPACE IS NOT REQUIRED. PRIVATE OPEN SPACE (15 UNITS x 850 SF = 12,750 SF OR 0.23 ACRES) WILL BE PROVIDED IN THE PRIVATE COURTYARD AREAS (0.504 ACRES)
13. SEE SCHEMATIC LANDSCAPE PLAN FOR MINIMUM PLANTING REQUIREMENTS.
14. ZONING: DR 2 & DR 3.5 (ZONING MAP NW 118)
15. DENSITY PERMITTED BY DR 2 ZONING: 7.22 UNITS (OR 4.5 REQUIRED TO SUPPORT S.F.D. = 10,000 SF PROVIDED 14,374 SF LESS 600 SF PARKING AREA)
16. DENSITY PERMITTED BY DR 3.5 ZONING: 7.22 UNITS (OR 4.5 REQUIRED TO SUPPORT S.F.D. = 10,000 SF PROVIDED 14,374 SF LESS 600 SF PARKING AREA)
17. 7.22 x 4 = 28 ASSISTED LIVING UNITS (DR 2 ZONE)
18. PROPOSED DENSITY = 60 ASSISTED LIVING UNITS (IN DR 2 ZONE)
19. VARIANCES AND SPECIAL EXCEPTIONS SOUGHT FOR THIS PROJECT:
 - * SPECIAL HEARING TO PERMIT RTA BUFFER ON A RESIDENTIAL LOT
 - * SPECIAL EXCEPTION TO PERMIT AN ASSISTED LIVING FACILITY AND TO WAIVE CERTAIN RTA STANDARDS AND INCREASE DENSITY AND A PARCEL SIZE VARIANCE OF 10 ACRES REQUIREMENT OF SECTION 432
 - * FRONT YARD SETBACK VARIANCE FOR NEW BUILDING & EXISTING BUILDING
 - * SIGN VARIANCE
 - * BUILDING LENGTH VARIANCE
20. A VARIANCE WAS GRANTED BY THE BALTIMORE COUNTY DEPARTMENT OF PLANNING AND ZONING FOR THE PROTECTION OF WATER RESOURCES, WELLS AND FLOODPLAINS. THE FOREST BUFFER EASEMENT AND BUILDING SETBACK VARIANCES WERE GRANTED. CONDITIONS WERE PLACED ON THIS VARIANCE TO REDUCE WATER QUALITY IMPACTS.
21. NO BUILDINGS OR PROPERTY ON THE SITE OR CONTIGUOUS PARCELS ARE INCLUDED ON THE MARYLAND TRUST INVENTORY OF HISTORIC PROPERTIES. THERE ARE NO HISTORIC PROPERTIES ON THE SITE OR CONTIGUOUS PARCELS. THE NATIONAL REGISTER OF HISTORIC PLACES, THE MARYLAND ARCHAEOLOGICAL SURVEY, OR IDENTIFICATION OF ANY BALTIMORE COUNTY HISTORIC DISTRICT, CONSIDERED ON SITE.
22. THERE ARE NO HAZARDOUS MATERIALS KNOWN TO BE ON THE SITE. EXISTING BUILDINGS WILL BE INSPECTED PRIOR TO DEMOLITION.
23. THERE ARE NO EXISTING WELLS, SEPTIC SYSTEMS OR UNDERGROUND STORAGE TANKS ON THE SITE.
24. LIGHTING: ANY FUTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT PROPERTIES. LIGHT FIXTURES SHALL BE PROTECTED BY CURBS OR LANDSCAPING.
25. CONDO LANE INTERSECTION: 425' x 20' MIN.
26. MINIMUM LOT SIZE REQUIRED = (60 x 2,000 SF) + (10,000 SF) = 2.38 ACRES
27. THERE IS NO ZONING HISTORY FOR THIS SITE
28. THERE IS NO ORG FOR THIS SITE.
29. LAST COMMERCIAL PERMIT FOR THIS SITE: B33156, ISSUED 2/19/98. (RAZING PERMIT)
30. EXISTING FORMER SCHOOL BUILDING TO BE RAZED.
31. SETBACK REQUIREMENTS:
 - FRONT: 20' MIN.
 - REAR: 40' MIN.
 - SIDE: 20' MIN.
 - EXISTING HOUSE: 60' MIN.

STANDARD NONDISTURBANCE NOTE:

WHERE THERE IS NO CLEARING, GRADING, OR DISTURBANCE OF VEGETATION, THERE SHALL BE NO DISTURBANCE OF VEGETATION OR SOILS. ANY DISTURBANCE OF VEGETATION OR SOILS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION. BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT.

PROTECTIVE COVENANTS NOTE:

PROTECTIVE COVENANTS WHICH MAY BE FOUND IN THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.



PLAN TO ACCOMPANY SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCES

ARDEN COURTS TOWSON

BALTIMORE COUNTY, MARYLAND

44-159-XA
Rev 12/1/98

PROJECT NO. 97051
DATE: 11/30/98
SHEET C-1

PDM #IX-681

